

representation amendment (H. J. Res. 356) providing for exclusion of the approximately 7,500,000 unnaturalized aliens from the count of the population of the United States for apportionment of congressional districts among the States; to the Committee on the Judiciary.

9884. By Mr. WYANT: Petition of citizens of New Alexandria, Westmoreland County, Pa., favoring passage of Sparks-Capper amendment eliminating approximately 7,500,000 aliens from count in proposed congressional reapportionment; to the Committee on the Judiciary.

SENATE

TUESDAY, FEBRUARY 17, 1931

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, our Heavenly Father, in knowledge of whom standeth our eternal life, whose service is perfect freedom, grant that through Thy Blessed Son we may know Thee as Thou art and learn to serve Thee wisely in our generation. Thou hast called us to forsake the world that we may know how to approach it, to lose the world that we may know how to possess it, and to hate the world that we may know how to love it.

Enable us, therefore, in these trying days to draw the deflected activity of our common life into its true course by fighting those forces which urge men to their ruin and to give ourselves heroically for the good of all because of our world's great need, that by so doing we may become leaders in the armies of friendship, baring, if need be, the heart of fellowship to the spears of hate, in imitation of Him who, renouncing ease and safety, embraced the worst this world could do that He might stand with His lost brethren in their extremity.

Grant this for His sake, the Maker of the hills, the Master of wind and tide, the Savior of mankind, who once lay helpless on a maiden's breast, and once again upon a cross, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 17054) to increase the loan basis of adjusted-service certificates, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H. R. 17054) to increase the loan basis of adjusted-service certificates was read twice by its title and referred to the Committee on Finance.

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 68, 71, 72, and 73.

That the House recede from its disagreement to the amendments of the Senate numbered 37 and 67, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Provided further, That no part of this appropriation shall be used to pay for the cost of reconstructing and paving B Street NW., as provided in the approved project, except for such portions as may abut upon Government-owned property, and not in excess of 40 per cent of the cost of such reconstructing and paving of that portion of the said street which so abuts"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$363,370"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,658,342"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,730,980"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,052,777,010"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 38, 53, 69, and 70.

HENRY W. KEYES,
REED SMOOT,
W. L. JONES,
CARTER GLASS,

Managers on the part of the Senate.

EDWARD H. WASON,
JOHN W. SUMMERS,
C. A. WOODRUM,

Managers on the part of the House.

Mr. JONES. I move that the Senate proceed to the consideration of the conference report.

Mr. LA FOLLETTE. Mr. President, before the motion is put I wish to suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	McKellar	Smoot
Barkley	Frazier	McNary	Steiwer
Bingham	George	Metcalf	Stephens
Black	Goff	Morrow	Swanson
Blaine	Goldsborough	Moses	Thomas, Idaho
Borah	Gould	Norbeck	Thomas, Okla.
Bratton	Hale	Norris	Townsend
Brock	Harris	Nye	Trammell
Broussard	Hastings	Oddie	Tydings
Bulkley	Hatfield	Partridge	Vandenberg
Capper	Hayden	Patterson	Wagner
Caraway	Hebert	Philpps	Walcott
Carey	Heflin	Pine	Walsh, Mass.
Copeland	Howell	Ransdell	Walsh, Mont.
Couzens	Johnson	Reed	Waterman
Cutting	Jones	Robinson, Ark.	Watson
Dale	Kean	Robinson, Ind.	Williamson
Davis	King	Sheppard	
Dill	La Follette	Shortridge	
Fess	McGill	Smith	

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. CONNALLY] is detained at his home in this city by illness. This announcement may stand for the day.

The PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the motion submitted by the Senator from Washington [Mr. JONES] that the Senate proceed to the consideration of the conference report on the independent offices appropriation bill.

Mr. TRAMMELL. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator will state it. Mr. TRAMMELL. Will not that interfere with the business of the morning hour?

The PRESIDENT pro tempore. Undoubtedly. The question is on agreeing to the motion submitted by the Senator from Washington.

Mr. BLACK. Mr. President, does the Chair hold that a motion proposing to do away with the morning hour after we have agreed to have it is not debatable?

The PRESIDENT pro tempore. There is no special agreement for a morning hour. The Senate adjourned, which brought a morning hour automatically.

Mr. BLACK. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. I would like to have read at the request of the Senator from Oregon [Mr. McNARY] yesterday afternoon with reference to the order of business to-day.

The PRESIDENT pro tempore. Both those proposed agreements were withdrawn because the Senator from Oregon was unable to obtain the consent he desired. Therefore, at the conclusion of business yesterday afternoon the Senate took an ordinary adjournment. Under Rule XXVII the conference report is immediately in order, and the motion to proceed to its consideration shall be determined without debate when made. The question is on agreeing to the motion submitted by the Senator from Washington. [Putting the question.] The ayes seem to have it.

Mr. BLACK. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. WATSON. Mr. President, may we have the motion stated by the Chair?

The PRESIDENT pro tempore. The Senator from Washington [Mr. JONES] moves that the Senate proceed to the consideration of the conference report on the independent offices appropriation bill. On this question the yeas and nays were demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JONES. Mr. President, I ask that the Chair state the pending motion.

Mr. WATSON. Mr. President, may we have the motion stated by the Chair?

The PRESIDENT pro tempore. The Senator from Washington [Mr. JONES] moves that the Senate proceed to the consideration of the conference report on the independent offices appropriation bill. On that question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KING (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. KEYES]. Not knowing how he would vote if present, I withhold my vote. If I were permitted to vote, I should vote "nay."

The roll call was concluded.

Mr. HATFIELD (after having voted in the affirmative). I have a general pair with the junior Senator from North Carolina [Mr. MORRISON]. I transfer that pair to the senior Senator from Illinois [Mr. DENEEN] and allow my vote to stand.

Mr. FRAZIER. I wish to announce that the junior Senator from Iowa [Mr. BROOKHART] is unavoidably absent. On this question he is paired with the senior Senator from Missouri [Mr. HAWES].

Mr. THOMAS of Idaho (after having voted in the affirmative). I inquire if the junior Senator from Montana [Mr. WHEELER] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. THOMAS of Idaho. I have a general pair with him and therefore withdraw my vote.

Mr. BINGHAM (after having voted in the affirmative). I inquire if the junior Senator from Virginia [Mr. GLASS] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. I am informed that I may transfer my general pair with that Senator to the junior Senator from Illinois [Mr. GLENN], which I do, and will therefore permit my vote to stand.

Mr. SHEPPARD. I wish to announce that the Senator from Texas [Mr. CONNALLY] is necessarily detained from the Senate by illness. I also desire to announce the following general pairs:

The Senator from North Carolina [Mr. SIMMONS] with the Senator from Massachusetts [Mr. GILLET];

The Senator from Texas [Mr. CONNALLY] with the Senator from Ohio [Mr. FESS];

The Senator from Florida [Mr. FLETCHER] with the Senator from South Dakota [Mr. NORBECK];

The Senator from Wyoming [Mr. KENDRICK] with the Senator from South Dakota [Mr. McMASTER]; and

The Senator from Nevada [Mr. PITTMAN] with the Senator from Minnesota [Mr. SHIPSTEAD].

I also desire to announce the absence of the following Senators on official business:

The Senator from Wyoming [Mr. KENDRICK], the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. HAWES], the Senator from Nevada [Mr. PITTMAN], and the Senator from Montana [Mr. WHEELER].

Mr. HASTINGS (after having voted in the affirmative). I am advised that my general pair, the Senator from Mississippi [Mr. HARRISON], would, if present, have voted as I have voted, and I therefore let my vote stand.

Mr. BULKLEY. I desire to announce that the Senator from Virginia [Mr. GLASS] and the Senator from South Dakota [Mr. NORBECK] are absent in a subcommittee of the Committee on Banking and Currency.

The result was announced—yeas 54, nays 18, as follows:

YEAS—54

Ashurst	Gould	Moses	Stephens
Barkley	Hale	Oddie	Swanson
Bingham	Harris	Partridge	Thomas, Okla.
Bratton	Hastings	Patterson	Townsend
Broussard	Hatfield	Phipps	Tydings
Bulkley	Hayden	Pine	Vandenberg
Capper	Hebert	Ransdell	Wagner
Carey	Heflin	Reed	Walcott
Copeland	Johnson	Robinson, Ark.	Walsh, Mass.
Dale	Jones	Robinson, Ind.	Walsh, Mont.
Davis	Kean	Shortridge	Waterman
George	McNary	Smith	Watson
Goff	Metcalf	Smoot	
Goldsborough	Morrow	Stelwer	

NAYS—18

Black	Couzens	La Follette	Sheppard
Blaine	Cutting	McGill	Trammell
Borah	Dill	McKellar	Williamson
Brock	Frazier	Norris	
Caraway	Howell	Nye	

NOT VOTING—24

Blease	Gillett	Keyes	Schall
Brookhart	Glass	King	Shipstead
Connally	Glenn	McMaster	Simmons
Deneen	Harrison	Morrison	Steck
Fess	Hawes	Norbeck	Thomas, Idaho
Fletcher	Kendrick	Pittman	Wheeler

So the motion of Mr. JONES was agreed to, and the Senate proceeded to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes.

Mr. BLACK. Mr. President, the motion made by the Senator from Washington [Mr. JONES], which has just been agreed to, was not debatable, and I therefore did not have an opportunity of stating my reasons for opposing it. I desire to do so at the present time.

It was clearly understood on yesterday—it was made perfectly clear to the Senate—that the reason for meeting at 11 o'clock to-day was to give Senators who are interested in bills on the calendar an opportunity to secure the passage of the measures in which they were interested.

Mr. JONES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield to the Senator.

Mr. JONES. I call the attention of the Senator from Alabama to the fact that I stated on the floor of the Senate that I proposed to bring up the conference report. I wanted to give the Senate notice of that proposed action.

Mr. BLACK. I did not happen to hear that statement.

In the first place, the Senator from Oregon [Mr. McNARY] asked unanimous consent that the Senate meet to-night for the purpose of taking up the calendar. Many of us are interested in taking up the calendar. Many of us have bills upon it on which we should like to have action. Later on, after the objection of the Senator from Tennessee [Mr. McKELLAR] had been withdrawn, the Senator from Oregon withdrew his request and left the Senate to understand that it was because he would give us a chance to take up the calendar this morning. We have a right to have bills on the calendar considered. We realize the fact that there are those who desire to defeat the soldiers' bonus bill and who, therefore, are anxious to get through every appropriation bill which can be passed. We realize that there is a movement on foot, clearly defined, to place the Senate in the attitude of passing a soldiers' bonus bill at such a late date that it can be met with a presidential veto after Congress shall have adjourned.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator.

Mr. DILL. Does not the Senator think the way to meet that situation is to move to discharge the Committee on Finance, to which the bill has been referred, from its further consideration and bring it to the floor of the Senate and take it up?

Mr. BLACK. I am very frank to state to the Senator that that is one of the methods which can be pursued; but one of the methods of defeating the soldiers' relief measure is to do what the Senate did a few moments ago, namely, to permit the well-oiled and well-greased scheme and plan to be manipulated and operated so that the appropriation bills which are vitally important may be passed, and then there will be no method of holding up legislation so that we can secure the passage of the bill for the benefit of the soldiers of this country.

I have heard a great deal of talk—

Mr. SMITH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I yield to the Senator.

Mr. SMITH. How would eliminating the morning hour this morning expedite the passage of the soldiers' bonus bill?

Mr. BLACK. I shall be glad to explain that to the Senator.

Mr. SMITH. I want to state to the Senator that I think there is perhaps as large a percentage of Members here in favor of relieving the soldiers as it has been demonstrated there are in the House of Representatives. I do not think this body will tolerate any delay that will jeopardize final action on that bill through the medium of a presidential veto.

Mr. BLACK. I might say to the Senator I am making these remarks because I believe when the facts are pointed out to the Senator from South Carolina and others who voted for the motion of the Senator from Washington that they will make a motion to reconsider so that this plan and scheme may be frustrated. I wish to explain it to the Senator.

In the first place, it is well known that the idea of the soldiers' bonus has received the condemnation of the gentleman who sits at the head of the Treasury emporium, who decrees what laws shall be enacted and what laws shall not be enacted. He has given out his interviews, which have been scattered broadcast throughout the country, opposing any kind of soldiers' relief measure, and we know from past experience that when an interview emanates from this source it represents the views of the administration. Just to what extent it controls the views of the administration there may be some room for question, but as to the words of that gentleman representing the views of the administra-

tion there can be no doubt. Therefore, we start out on this motion this morning with the knowledge that it is the anxious desire of the administration to prevent the passage of legislation for the soldiers.

Oh, I realize that there are some who stand high in Republican councils who have come out for the soldiers' bonus, but I realize also that if the necessary appropriation bills shall go through the Senate and be signed by the President they will say then, "Of course, we passed the soldiers' bonus bill, but the President vetoed it; we did all we could do." It is plain that they will be hiding behind a camouflage erected for their own protection and so manipulate it that they can dispose of the bill by means of a veto of the President.

Mr. President, that is behind this motion to do away with the morning hour. Opposition to some of the bills of the calendar may also be behind it. There are local bills on the calendar in which many Senators are interested. I ask Senators who have local bills on the calendar, and who are interested in passing them, will they permit themselves to be manipulated into the position of helping the administration beat the soldiers' bonus and of defeating also their own bills on the Private Calendar.

It was as well understood here yesterday afternoon as though an express agreement had been made to that effect that we would have a morning hour to-day in order that we might dispose of the local calendar. What has brought about the necessity of this change? Why has it suddenly become so all-important to rush, to squeeze through, at the expense of every other particle of legislation in this body, certain appropriation measures? The reason is plain. The edict has gone forth from the great monarch of the Treasury that, come what may, the soldiers' bonus must be defeated.

If it can not be done openly, because the onus would rest upon the Republican Party or the bosses of the Republican Party, then let it be done in the good old-fashioned method. Let it be done as we collect our taxes from the poor—so indirectly that those who are injured can not feel the touch of the back of our hand. Let us so manipulate the legislation that we will urge, rush, push, and squeeze through every particle of legislation which the Senate otherwise could hold over the head of the administration; and then, when they pass the soldiers' bonus bill, everybody will be satisfied. Those who have proclaimed their loyalty to the soldier on the floor of the Senate will say, "Why, certainly; I was for you. Here is where I made a speech for you. I was strong for the soldiers' bonus. Why, I was one of the original speakers for it." Somebody comes along and says, "Well, but here, you permitted them to pass the other legislation which it was necessary should be held up until you could utilize it to force favorable consideration of the bonus bill through that body in time for the President to act upon it before the 4th of March had arrived."

By following the course I have described those who spoke for the soldiers' bonus would have placed themselves in what would appear to be a favorable light; but, at the same time, the ruthless machine runs on, aided and assisted by those who proclaim on this floor that they favor the soldiers' bonus.

Mr. McKELLAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield to the Senator.

Mr. McKELLAR. In other words, to use a legal term, those people would be winning on the judgment and losing on the execution. We would lose the law.

Mr. BLACK. Exactly.

Now, Mr. President, I should like to ask the Senator from Oregon [Mr. McNARY] when we shall have an hour to pass upon the calendar, if there are any plans to that effect.

Mr. McNARY. Mr. President, I did not get the request of the Senator.

Mr. BLACK. I desire to ask if the Senator contemplates in the immediate future asking unanimous consent to take up unobjected bills on the calendar.

Mr. McNARY. I made two efforts of that kind yesterday, and was frustrated on both occasions. I stated that we

would adjourn until this morning, and have a consideration of the calendar this morning. The Senator from Alabama himself is destroying that possibility. I also stated that as far as it could be worked out, I wanted the session continued to-day and this evening until we passed the District appropriation bill and the conference reports that are on the desk of the Secretary, and had a call of the calendar. That is plain; is it not?

Mr. BLACK. That is perfectly plain, and the intention is obvious.

Mr. McNARY. The Senator from Alabama is destroying the very thing he now says he so much desires.

It was my hope, when we came here this morning, that Senators would conform to the general purposes that prompted me to make the statement and request according to the CONGRESSIONAL RECORD of yesterday, namely, that we would have a morning hour, morning business, and the consideration of the calendar under the rule that obtains on all days save Monday, under which we can move to take up a bill; after which, at 1 o'clock, we would take up the unfinished business, which is the District appropriation bill, and thereafter have a call of the calendar, and finish as promptly as possible, in the hope of leaving by dinner time; if not, to go on in the evening.

If the Senator now will retire, and let us go through with that policy, we shall be getting somewhere.

Mr. COUZENS. Mr. President, may I ask the Senator—

Mr. BLACK. I want to reply to that; but I yield to the Senator from Michigan.

Mr. COUZENS. May I ask the Senator from Oregon why he voted to take up this conference report, if it was the intention to go through with the morning hour?

Mr. McNARY. A conference report is always in order, and has the preference, under all the rules and practice, to be first considered. When the Senator from Washington [Mr. JONES] gave notice yesterday that he would take up the conference report this morning, he was carrying out his pledge to the Senate.

Mr. COUZENS. I see no objection to that; but it is the ordinary practice to go through with the morning hour without any interruptions.

Mr. McNARY. That is true; but the Senator from Washington sought to do the other thing, following the notice which he had fairly given yesterday. If Senators would follow out the plan of expedition of business, if that is what they want, we would soon finish with the bill of the Senator from Washington, and get to the morning business.

Mr. BLACK. Mr. President, I now ask unanimous consent that the conference report be temporarily laid aside until 2 o'clock, in order that we may proceed with the calendar under Rule VIII.

The PRESIDING OFFICER (Mr. Fess in the chair). Is there objection to the request of the Senator from Alabama?

Mr. JONES. Mr. President, of course, I shall have to object to that. As the Senator from Oregon said, we can soon get through with the conference report.

Mr. NORRIS. Mr. President, may I interrupt the Senator from Alabama?

Mr. BLACK. I yield to the Senator from Nebraska.

Mr. NORRIS. I can not help but observe the remark of the Senator from Washington that we would be able soon to dispose of the conference report. That assumes, I suppose, that we must dispose of it without debate.

Mr. BLACK. Of course, that is the idea.

Mr. NORRIS. No matter what happens, or what is in it, we must take it, and take everything else that is put up to us; and in that way we can get along.

Mr. BLACK. The idea is for all those who might object to anything that is in any particular bill to retire from the Senate. The statement was made that if we would retire from here, of course, they would go right ahead. That is true. If enough Senators would retire who are opposed to some features of unfair and unjust legislation, the administration forces would go right along; the conference report would be adopted in two or three minutes, a la the head of the Treasury Department; and then, after the conference

report was adopted, in two or three minutes the next appropriation bill would be adopted, written according to the forms made and provided for that purpose.

What right has anyone to state that if we proceed with this conference report it will be disposed of in two or three minutes, so that we can proceed with the calendar? Why is it so necessary to displace the calendar at this time? Why is it not a fair effort to obtain the fair consideration of the Senate, and at the same time give Senators a right and opportunity to have their bills on the calendar considered? Why is there any injustice, may I ask the Senator from Washington, in delaying action until 2 o'clock, and letting us proceed with the calendar?

Mr. ASHURST. Mr. President—

Mr. BLACK. I yield to the Senator from Arizona.

ADJUSTED-SERVICE CERTIFICATES

Mr. ASHURST. I am not without sympathy regarding the Senator's position and appreciate his able speech, although the Senator has been severe on some of his colleagues.

Mr. BLACK. I have not intended to be.

Mr. ASHURST. The Senator's uniform courtesy and his ability are entitled to so much respect that I hope he will yield to me for the purpose of making a motion so that we may test the sentiment of the Senate on the adjusted-service certificate bonus bill. Will the Senator, therefore, yield to me at this juncture in order that I may move that the Finance Committee may be discharged from the consideration of the bonus bill, H. R. 17054, and that the Senate proceed to its consideration?

Mr. BLACK. I shall yield to the Senator.

Mr. ASHURST. I wish to do that so that it may be tested as to whether or not there is any covert, undercover desire to delay this bill, because the unanimous consensus of opinion of the opponents and proponents of the bill is that hearings are unnecessary. Hearings would mean circumlocution, prolixity, delay, and possibly defeat.

Therefore, Mr. President, I move—

Mr. BLACK. Before I yield to the Senator to make that motion, may I make a statement? I have not intended to make any remarks that would reflect upon my colleagues. This motion was not debatable. Therefore, it could not be presented, and the full aspect of the questions involved was not understood by the Senate.

Mr. ASHURST. The Senator was severe, but not unparliamentary.

Therefore, Mr. President, I move—

Mr. BLACK. I yield for that purpose.

Mr. ASHURST. I move that the Senate Committee on Finance be now discharged from the further consideration of the bonus bill, H. R. 17054. That motion would bring the bill before the Senate; and upon that I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection to the Senator making the motion?

Mr. SMOOT. Why, certainly.

Mr. ASHURST. There can not be objection.

The PRESIDING OFFICER. The consideration of the motion will have to go over for a day if any Senator objects.

Mr. SMOOT. Yes; and I object, Mr. President. I want to say to the Senator, further, that the bill has not yet reached the Finance Committee.

Mr. ASHURST. It is not necessary for it to go to the Finance Committee. There is no reason why it should.

Mr. SMOOT. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard. The Senator objects under Rule XXVI.

Mr. ASHURST. Mr. President, will the Chair please read the rule?

The PRESIDING OFFICER (reading):

1. When motions are made for reference of a subject to a select committee, or to a standing committee, the question of reference to a standing committee shall be put first; and a motion simply to refer shall not be open to amendment, except to add instructions.
2. All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one

day for consideration, unless by unanimous consent the Senate shall otherwise direct.

So, if there is an objection, the motion can not be considered until to-morrow.

Mr. BLACK. Mr. President—

The PRESIDING OFFICER. The Senator from Alabama has the floor.

Mr. ASHURST. Will the Senator further yield? I realize that the Senator has the floor.

Mr. BLACK. I yield.

Mr. ASHURST. I have not surrendered, and, with deference to the Chair, I move that the rules be suspended and that the Senate proceed to discharge the committee from further consideration of the bill.

The PRESIDING OFFICER. The Senator recognizes that that motion will have to lie over.

Mr. ASHURST. Must that lie over?

The PRESIDING OFFICER. One day.

Mr. ASHURST. Then most respectfully, and with due deference, I appeal from the decision of the Chair as to the correctness of the two rulings; and upon that appeal I ask for the yeas and nays.

The PRESIDING OFFICER. The question before the Senate is, Shall the decision of the Chair stand as the judgment of the Senate? Before the vote is cast—

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. Before the vote is taken, the Chair desires to state the rule:

All reports of committees and motions to discharge a committee from the consideration of the subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

The clerk will call the roll to develop a quorum.

Mr. WALSH of Montana. Mr. President, I wonder if we might ask the Senator from Arizona to make a brief statement of his position with respect to this parliamentary question?

Mr. ASHURST. Mr. President, I have so much respect for the Chair—not only for the Vice President and the President pro tempore, but particularly for the Senator [Mr. Fess] who now occupies the chair—that upon reflection, although a student of the rules, I might make myself ridiculous were I to put myself in opposition to the conclusions reached after the studied care and painstaking researches that the present occupant of the chair always employs on questions. Therefore I withdraw my appeal, because when I have a suspicion as to being wrong on procedure no man is quicker to withdraw than I am. Therefore I ask permission to withdraw the appeal; but I give notice that as soon as the Senate shall be in session to-morrow I shall insist upon my motion—which will then be in order, I apprehend, to move—that the Senate discharge the Finance Committee from a further consideration of the bonus bill, H. R. 17054, that it may be before the Senate. May I secure such permission?

Mr. REED. Mr. President—

Mr. ASHURST. Mr. President, before I surrender the floor I want to say that I have no doubt some members of the Finance Committee may feel that I have offered them some indignity or insult.

Mr. SMOOT. Certainly.

Mr. ASHURST. The Senator says "certainly."

Mr. SMOOT. Certainly.

Mr. ASHURST. I assure the sedate and able Senator from Utah that no insult was intended. It is never an insult to exercise a right which a Senator possesses, and the Senator from Utah, the State adjoining and north of my State, is the last man whom I would offend or insult. But if I have to insult every member of the Finance Committee, I am prepared to do so rather than to allow patriotic soldiers who went through the iron storm of war to languish in hospitals or to die from neglect in the richest country the world ever saw. So, between offending and insulting the Finance Committee, which I did not intend, I proudly say I would insult

them to their faces a thousand times rather than see one soldier neglected one hour.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I yield.

Mr. SMOOT. Mr. President, the Senator from Arizona can work himself up to such a pitch, but I really think that the bill, when it reaches the Finance Committee, will be considered to-morrow. A meeting has already been called for 10 o'clock to-morrow. I have no doubt but that the bill will be reported to the Senate to-morrow. It may not be reported as quickly as the Senator would like, but I do not see what the Senator will gain by trying to insult the Finance Committee of the Senate, and trying to have the country believe that they are not going to take action on this bill. I would have had a committee meeting this morning if the bill had been sent over from the House yesterday, but the bill was sent over this morning, and a few moments ago referred to the Committee on Finance.

Mr. DILL. Mr. President—

Mr. SMOOT. I will say this: That the committee have already been notified of a meeting to-morrow at 10 o'clock, and I have no doubt but that the committee will report the bill to the Senate, I will say to the Senator.

Mr. DILL. Mr. President, I want to ask the Senator a question.

Mr. SMOOT. Yes.

Mr. DILL. If the Finance Committee reports this bill to-morrow, it will not be in order to take it up until Thursday, under the rule, will it? I mean by that, a single objection would block it.

Mr. SMOOT. That is so. We would have to have unanimous consent.

Mr. DILL. Does not the Senator think, then, that the better way for those of us who want to get the bill up and acted on would be to move to discharge the Finance Committee and bring the bill here for action?

Mr. SMOOT. They can do that to-morrow.

Mr. DILL. Why not do it to-day?

Mr. SMOOT. That would have to lie over for a day.

Mr. DILL. It would not have to lie over for a day if the Senate discharged the committee.

Mr. SMOOT. I am not in any position here to play politics with this bill.

Mr. ASHURST. Mr. President—

Mr. SMOOT. Either by questions or otherwise.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. ASHURST. The able and calm Senator said something about the Senator from Arizona working himself up.

Mr. SMOOT. Yes.

Mr. ASHURST. I thought I had reached the age where I was not very easily "worked up." I will say to the Senator that I thought I had spoken in my usual calm and measured tones, and I am surprised that the dean of the Senate should be so thin-skinned, temperamentally and physically, that his physical construction after nearly a quarter of a century in politics—

Mr. SMOOT. More than that.

Mr. ASHURST. More than that?

Mr. SMOOT. Oh, yes.

Mr. ASHURST. Is so thin-skinned that when a Senator makes a motion which the rules give him the right to make, the Senator sees an insult in it. I know the Senator does not mean that. When I insult a man, I do not do it covertly. I do not strike below the belt or in the back. I do not insult men by inference, insinuation, innuendo, suggestion, circumlocution, or periphrasis. [Laughter.] I think the Senator ought to be, and he is, big enough to say that he knows that while the result and purport of the motion was an insult, he knows I did not intend to insult him or his committee.

Mr. REED. Mr. President, will the Senator yield to me?

Mr. ASHURST. If I have the floor.

Mr. REED. I can not contribute anything to the humor of the situation, but I want to make just a moment's appeal to the horse sense of the Senate.

This bill was passed in the House without opportunity for amendment. It got very scant consideration in the Ways and Means Committee. It was not printed until the day they acted on it. Nobody had a chance to study it. Without in any way weakening the bill, without cutting it down one penny in the relief it gives the soldier, there are some common-sense amendments which ought in all honesty to be made to it. They can be made in a couple of hours. Why not give the Finance Committee a chance to do that? I assure the Senator that the amendments I have in mind do not in any way weaken the bill from his standpoint.

Mr. COUZENS. Mr. President, may I ask the Senator a question?

Mr. REED. Certainly.

Mr. COUZENS. Is the Senator going to propose that we hold hearings on the bill?

Mr. REED. Any hearings we have can be concluded, I think, in an hour.

Mr. SMOOT. Very easily.

Mr. REED. The Senator from Michigan has a profound conviction that I am going to filibuster this bill. I have not the slightest intention of doing that.

Mr. COUZENS. I do not think the Senator is going to filibuster it, but I think the Senator is highly desirous of having it defeated.

Mr. REED. The Senator is completely wrong in that.

Mr. COUZENS. I am glad to have that assurance.

Mr. REED. I want to see the bill put in proper shape, and I believe that the Senate would do so, and unanimously, if the matters requiring amendment were explained to them. There is not going to be any difference of opinion among us about it.

Mr. SMOOT. Mr. President, I took particular pains this morning to see that the hearings before the Ways and Means Committee were put upon the desks of all Senators. I have done everything in the world to hasten this matter.

Mr. ASHURST. I believe that.

Mr. SMOOT. The committee will report the bill. I have no doubt about that.

Mr. BRATTON. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. BRATTON. If the Finance Committee reports the bill back to the Senate to-morrow, will the Senator join in an effort to get it before the Senate immediately?

Mr. SMOOT. I do not know what may take place between now and to-morrow, and I do not know anything about what amendments will be offered to the bill.

Mr. BRATTON. My question is, Assuming that the committee shall report the bill back to the Senate to-morrow in some form, will the Senator, the chairman of the committee, then ask for its immediate consideration, in order that the bill may not be delayed?

Mr. SMOOT. I do not want to make any promises beforehand, before I know what the committee itself wants. I can not do anything except what the committee authorizes me to do.

Mr. BRATTON. Will the Senator join with others of us in an effort to get the bill before the Senate immediately on to-morrow?

Mr. SMOOT. Mr. President, I do not want to make any promises here that I can not fulfill. I do not want to make any promises or have any understanding, as far as I am concerned, as to the measure.

Mr. BRATTON. Let me frame my question this way: Will the Senator refrain from interposing any objection to that course?

Mr. SMOOT. That is the same, identical question.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom? Does the Senator from Utah yield to the Senator from Kentucky?

Mr. SMOOT. If he wants to ask me a question.

Mr. BARKLEY. If the Committee on Finance, when it meets to-morrow, shall undertake to instruct the chairman of the committee to take steps to have the Senate proceed immediately to the consideration of this bill on the floor of the Senate, will he oppose that in the committee?

Mr. SMOOT. If the committee instructs me to do that, I shall ask it on the floor of the Senate.

Mr. BARKLEY. If the effort is made to do it in the committee, will the Senator object to that in the committee?

Mr. SMOOT. The Senator could not object to that, and the Senator from Kentucky ought to know that, as he is a member of the committee.

Mr. BARKLEY. Frequently things are objected to in the committee that are not objected to on the floor.

Mr. SMOOT. The objection of the chairman of the committee would have no effect.

Mr. BARKLEY. I doubt that.

Mr. SMOOT. Whatever the committee does will govern me.

Mr. COPELAND, Mr. DILL, and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield to the Senator from New York.

Mr. COPELAND. The Senator from Pennsylvania stated that he wanted to offer some common-sense amendments. Is one of them to lower the rate of interest? It would seem to me that that would be a common-sense amendment.

Mr. REED. Mr. President, I had not thought about it. It seems to me the rate fixed in the House bill is all right.

Mr. COPELAND. Is not that more than it costs the Government for money?

Mr. REED. For short-term borrowing at the moment; yes. We can not generalize about that.

Mr. COPELAND. That is one of the subjects that will be considered, I trust.

Mr. REED. No doubt the committee will consider it; but I was not thinking of proposing to change the House bill in that regard. Somebody else may.

Mr. COPELAND. I do hope that the committee will give consideration to the interest rate, because it seems to me the rate fixed by the House is too high.

Mr. NORRIS. Mr. President, will the Senator from Utah yield?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. NORRIS. I would like to suggest to the Senator from New York that when the bill gets before the Senate, regardless of what the committee does, it would be perfectly in order to make a motion to reduce the rate of interest.

Mr. SMOOT. Yes; that is right.

Mr. NORRIS. I agree with the Senator from New York, from what I know about it—I may be changed after full debate, but I do not see how I could be—that the rate of interest fixed in the House bill is too high. I do not think the Government ought to charge a rate of interest on these loans that is higher than the Government has to pay when it borrows money, and it is not paying 4½ per cent interest; it does not have to.

Mr. ASHURST. And the interest should not be compounded.

Mr. NORRIS. It should not be compounded.

Mr. COPELAND. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. COPELAND. I fully agree with the Senator from Nebraska; we should not make any money on this transaction.

Mr. NORRIS. No.

Mr. COPELAND. The committee certainly should give consideration to the question of interest, with a view to making the rate just as low as possible. We should not make one penny out of this transaction. I am sure the Senator from Nebraska agrees with that.

Mr. NORRIS. That is true.

Mr. BARKLEY. Mr. President, I want to indorse what the Senator has said. Four and a half per cent interest

compounded annually will eat up the other half of the face value of the certificate by the time the certificate is due.

Mr. NORRIS. Yes; compound interest on most anything, running for 15 years or so, will do a good deal more than eat up the principal.

Mr. BARKLEY. By the year 1945, when the certificate is due, the interest will have eaten up the other half of what is due on the certificate.

Mr. NORRIS. The chances are, although I have not figured it, that by that time the veteran would owe the Government something.

Mr. BARKLEY. Even aside from the compounding of the interest, this rate is twice as high as the rate the Government is now charging on money it lends to steamship companies and others.

Mr. NORRIS. Yes; and it is higher than the Government is paying generally in the market, higher than the interest on the Liberty bonds. There is not a bond I know of now outstanding that draws more than $4\frac{1}{4}$ per cent, and a $4\frac{1}{4}$ per cent bond sells on the market at a premium. Bonds not due until 1947 and 1952 are selling at from \$1.12 to \$1.13 right now on the market.

Mr. CARAWAY. Mr. President, may I call the Senator's attention to the fact that the Government borrowed money recently at 2 per cent?

Mr. NORRIS. Yes. Some of its loans are at less than 2 per cent.

Mr. CARAWAY. I had hoped that whatever the soldiers were paid on these certificates would be a payment, and not a loan.

Mr. NORRIS. Yes.

Mr. CARAWAY. I do not know why anybody must always bow at the altar of somebody who wants to collect interest.

Mr. BORAH. Mr. President, I hope before we get through settling this interest question, the Congress will pass a joint resolution controlling the interest on the money which we are lending to the drought-stricken people. It is now costing those people, expenses and all, from 7 to 8 per cent.

Mr. DILL. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. DILL. That is due to regulations being worked out by the Secretary of Agriculture, is it not?

Mr. BORAH. It is due to the fact that we did not undertake to regulate it ourselves.

Mr. DILL. That is true.

Mr. BORAH. The House has been so generous and so hasty in regard to this matter that possibly we could get a joint resolution through that body protecting that situation.

Mr. DILL. Mr. President, I want to remind Senators of the fact that unless this bill is passed by the Senate and passed 10 days before adjournment, without amendment, there is very little chance that we will have any bonus law. The probability is that the President will hold the bill and refuse to act upon it until Congress has adjourned.

For my part, I think we should discharge the Finance Committee, and proceed to pass this bill, and pass it before Friday night.

This morning I was visited in my office by more than a score of men, all of them ex-service men, who had traveled in freight cars from the city of Seattle to the city of Washington to urge upon the Congress the necessity of some kind of cash-bonus legislation. These men are all upstanding clean citizens, men fitted physically to earn a livelihood and anxious to secure work, and yet they were unable to get employment anywhere, either on the west coast or on their way from town to town as they came across the country. A number of those who started did find employment on the way and came no farther, but those to whom I have referred came through to Washington 3,000 miles and have come without a dollar in their pockets. They have been cared for on the way by various organizations, and especially by American Legion posts, given food and shelter, and helped on from town to town. They came here to impress upon those of us who are their representatives from the far West

the great demand and the urgent need of the ex-service man for legislation to pay cash on the bonus certificates.

It may be said by those who favor amendments to the bill that to permit it to be delayed beyond Friday night would mean forcing an extra session of Congress if the President refuses to act favorably on the bill; but even if we were able to succeed in doing that, the President would have the fixing of the date for the calling of the extraordinary session of Congress, which would probably be some time in June, and there would be during all the intervening months no bonus legislation.

I agree fully with everything that has been said about the rate of interest. For my part, I do not think the veterans should be charged interest. I think we ought to cash whatever percentage of their bonus certificates we intend to cash and let them go their way without the payment of interest. But I have learned in my experience in the Congress in both Houses that the majority rule, and an overwhelming majority of the House yesterday passed this bill now before the Senate Finance Committee. I believe if the bill goes through the Senate in the form in which it passed the House, the House would override the President's veto, and I hope there will be sufficient votes in the Senate to do likewise. If we undertake to change or amend the bill, if we modify it in its terms, even if we could get it through—and I do not think we will get it through if we change anything in it—it might give an excuse for those who bow at the feet of the dictators in other departments of the Government to change their vote on the proposal when the proposal for overriding the veto comes up for vote. It seems to me in the interest of the ex-service man as well as in the interest of the people generally who expect this Congress to do something on the question, that we ought to discharge the Finance Committee at the earliest possible moment and proceed to remain in session until the bonus bill is disposed of.

We can amend the provisions of the bill as to interest rates or by striking out all reference to interest at all at a future session. The important thing now is to get this bill passed before Friday night.

Mr. BARKLEY. Mr. President, the whole situation illustrates the ridiculous position in which the Congress is always placed at the end of the short session. Notwithstanding the agitation which has gone on in the country for a year for some sort of legislation in behalf of the ex-service men which would recognize their right, a right equal to that enjoyed by any other creditor of the United States, yet here we are facing the end of the session and faced with the alternative of hastily passing a bill which may really not do justice to the ex-service men, or taking chances on a so-called pocket veto. We must either rush a bill through which may be a rank injustice and assume that the President will not deal kindly with the matter and will veto the bill within the last 10 days of the session or that he will put it in his pocket and thereby defeat the legislation and undertake to escape responsibility.

I am frank to say that the bill which the House has passed is not satisfactory so far as I am concerned. Whether I would feel justified in voting for it as a last resort or because nothing else can be obtained is another question, and I shall meet it when we arrive at that point. But in the last nine years the Secretary of the Treasury has paid to other creditors of the Government more than \$3,500,000,000 beyond the requirements of the law. Congress in an orderly way enacted a refunding law providing for the orderly discharge of our war debts. It provided for a sinking fund which should take care of the war debts and which would obliterate them entirely within a very reasonable time; within a much shorter time than any other war debts which we have ever incurred have ever been paid off by the United States.

The Undersecretary of the Treasury, Mr. Mills, a few days ago gave out a statement that the entire war debt will have been discharged by 1949. It may be good financing from a strictly technical standpoint to pay our public debt faster than the law requires it to be paid, but if the World War was of any benefit to the United

States it was supposed to have been of some benefit to future generations, and the entire burden of its cost ought not to be laid upon the shoulders of those who live now or those who had the obligation of discharging their duty to the Government as soldiers in the World War.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. I yield.

Mr. KING. Does not the Senator think that Mr. Mellon and those in charge of the fiscal policies of the Government acted wisely in applying the surplus revenue, which was derived in part from corporations and large income-tax payers, to the discharge of our obligations, thus diminishing the interest upon the public debt approximately \$800,000,000 in the past few years? I think Mr. Mellon's policy in that respect was very wise.

Mr. BARKLEY. I do not agree with the Senator to this extent. I do agree that any legitimate surplus that might be found in the Treasury at the end of any fiscal year might well have been applied to the discharge of the public debt; but that surplus was created by the Treasury Department because the Secretary of the Treasury came before us all the time when we were seeking to reduce taxes and made predictions about deficits, which predictions never came true. He was unwilling to be frank with the Congress of the United States. There has not been a single prediction he has made since he became Secretary of the Treasury which came within half a million dollars of being accurate. I do not believe that the Secretary of the Treasury, by deception, by false pretenses, by erroneous estimates, ought to be allowed to create a surplus which he applies altogether to the discharge of other people's obligations without considering the ex-service men and the debt due them.

If we are to discharge before it is due the \$3,500,000,000 of our war debt, then we ought at least to recognize the obligation we owe to the ex-service men and at least consider it a part of that debt to be discharged for the alleviation of their sufferings and their present condition of need. If it had not been for the services rendered by these 4,000,000 men who gave up their health, who gave up their ambition, who in many cases gave up their entire future, none of the securities held by anyone, either private or public, would be worth to-day "three hoorahs in the hot hereafter."

Mr. COPELAND. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. BARKLEY. I yield.

Mr. COPELAND. Before the Senator leaves his statement regarding the reduction of the debt, does the Senator think it was fair or is fair to the taxpayers of America that an excessive amount of taxes should be collected on the theory that that money is needed to operate the Government and then to apply those enormous sums to reduction of the public debt? I contend that that is legalized larceny. It is not fair to the taxpayers of America that they should be assessed these great amounts and then have the money used in this way for the rapid reduction of the public debt instead of for the operation of government, which was the alleged purpose of the tax.

Mr. BARKLEY. That is precisely what I have been attempting to say, except that the Senator from New York has said it much more eloquently and more to the point than I have been able to state it. This surplus created has been created because the Secretary of the Treasury has not frankly laid the situation before the Congress, because he has pretended that there would be a deficit, when everybody else knew that in all probability there would be a surplus. Under those circumstances these surpluses have been created from year to year, and my contention is that at least a part of the surplus should have been devoted to payment of the obligations which we owe to the men who actually fought in the World War and not necessarily to those who took advantage of the war to make huge profits out of their operations during that time.

Mr. COPELAND. I agree with what the Senator said just now with reference to the soldiers, but it is unfair and not

frank to ask the taxpayers of America to pay these large sums in the way of taxes, when it is known all the time, if it is known at all, that there will be a surplus, which will be used for this reduction of the public debt. I am in favor of reducing the public debt as fast as we can, but I am in favor of being honest and frank with the taxpayers and letting them know that a part of their money will be used for this purpose instead of raising it for the ostensible purpose of operating a government and then using it to reduce the public debt.

Mr. BARKLEY. The effect of it is an obvious fraud upon the people of the United States. The plan for the retirement of our war debt was worked out by Congress after minute consideration with the officials of the Treasury Department.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in just a moment. If the Treasury had desired to retire this debt more rapidly than the Congress provided for by law, it ought to have been frank enough to say so. It ought to have recommended that that plan be incorporated in the law. It ought not to practice a fraud on the taxpayers of the United States and contend that a further tax reduction would bring about a deficit and make it impossible to carry on the operations of government in order to create a surplus to retire the public debt more rapidly than it ought to be retired or than was intended under the law enacted by Congress in line with the advice of the Secretary of the Treasury.

I yield now to the Senator from Utah.

Mr. SMOOT. I disagree entirely with the Senator that the Secretary of the Treasury has in any way tried to deceive the American people or has entered into any fraud or had any intention of fraud.

Mr. BARKLEY. I do not mean that he stole anything; but in dealing with the governmental financial program, when the Secretary of the Treasury is not frank with the people and the Congress, it is a political fraud worked upon them.

Mr. SMOOT. I say he has been frank with the people. I do not think the Senator can find a financial man anywhere in the United States who would have made the prediction that the revenues of our Government under existing law would amount to what they were during the years 1926, 1927, 1928, 1929, and even 1930.

Mr. BARKLEY. I know that every member of the Ways and Means Committee of the other body and that every Democratic member of the Finance Committee of the Senate did make those predictions. Those predictions came true, and Mr. Mellon's guess was wrong nine times out of ten.

Mr. SMOOT. If his guess was wrong, he did not try to deceive the American people or commit any fraud upon them.

Mr. BARKLEY. Let us assume it is a guess; but it seems rather strange that the greatest Secretary of the Treasury since Hamilton should be engaged in guessing all the time without any actual knowledge of the facts.

Mr. SMOOT. That is entirely a different question, and the reasons are plain to everybody that wants to know the reasons or that will acknowledge the reasons.

Mr. BARKLEY. I think the Senator is right. It is perfectly plain to everybody who is willing to be frank about what the trouble is.

There is another thing to which I wish to refer. There is now \$771,000,000 in the Treasury of the United States to the credit of the bonus certificate fund. That money belongs to the ex-service men. It does not belong to the United States. Yet the Treasury has used that money, and properly so, to buy short-term securities that are bearing interest.

But the mere fact that the Treasury has used that \$771,000,000 to go into the market and buy short-term securities is no reason why we should refuse now to pay the ex-service men that \$771,000,000 which has been accumulated in the Treasury under the law passed by Congress for the ultimate redemption of these certificates. When the Secretary of the Treasury says before committees of Congress and in the

press that, in order to pay the amount provided in the House bill, the Treasury must go out into the market and sell securities, what he means is that he has got to sell the securities that he has bought with the money that already belongs to the ex-service men.

Mr. SMOOT. Yes; but I do not think under present conditions he could sell those securities for what was paid for them.

Mr. BARKLEY. He is preparing now to sell \$8,000,000,000 worth of securities.

Mr. SMOOT. I made a statement; that is all; I did not say that he was or was not preparing to do what the Senator suggests; but I want to say as to the estimates given out at the time I think the people throughout the country generally thought that the results would be about as the Secretary stated. The business of the country was such—and I am not going to take the time of the Senate to explain why—that the revenue of our Government was more than any human being anticipated it would be. I do not mean a guess or anything like that; I mean that it was greater than could be figured out; it was more than we anticipated or thought it would be.

Mr. COUZENS. Will the Senator yield?

Mr. BARKLEY. I will yield in a moment. I do not want to take any more time talking about the excess three and a half billion dollars that has already been paid on the public debt. What I contend is that if we owe anybody obligations to discharge a Government debt, a debt due to the war, prior to its maturity, we ought at least to meet the ex-service men halfway and recognize the obligation that we owe to them.

Mr. BLACK and Mr. COUZENS addressed the Chair.

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Kentucky yield; and if so, to whom?

Mr. BARKLEY. I will yield to the Senator from Alabama who I think rose first.

Mr. BLACK. I desire to state, in line with the discussion the Senator from Kentucky and the Senator from Utah have just had, that I understood the Senator from Utah to say that everybody knew that under conditions as they are now there would have to be a large increase in taxes, or something like that.

Mr. SMOOT. I did not say that.

Mr. BLACK. I understood the Senator to intimate that there was a slight depression throughout the country, and it was difficult to collect taxes. That is what I thought was the inference from his suggestion.

Mr. SMOOT. I admit that there is depression throughout the country; there is no question about that.

Mr. BLACK. I desire to send to the desk and have read a brief article from an Alabama newspaper consisting of only a few lines.

Mr. SMOOT. I think the people generally throughout the world understand the reason for the present conditions.

Mr. BLACK. The Senator states the people know the reasons. I desire to send to the desk and have read a statement printed in an Alabama newspaper.

Mr. SMOOT. That does not make it so.

The PRESIDING OFFICER. Does the Senator from Kentucky yield for the purpose of having the article read?

Mr. BARKLEY. I yield for that purpose.

The PRESIDING OFFICER. The clerk will read, as requested.

The legislative clerk read as follows:

The following from the Fort Payne Journal is one of the best ones the discussion of business conditions has produced:

"Over on Sand Mountain the other day a discussion on Biblical subjects took a sudden and queer turn. The arguers or disputants happened to be a Democrat and a Republican. The Republican put a question to the other which he thought would surely stall him. He asked him why the three Hebrew children were not consumed when they were cast into the fiery furnace. The Democrat, without even scratching his semibald pate, replied, 'The Republicans were in power, and the furnace was shut down.'"

Mr. COUZENS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Michigan?

Mr. BARKLEY. I yield.

Mr. COUZENS. I should like to point out what appear to be some inconsistencies in the reply made by the Senator from Utah as to the challenge of the Senator from Kentucky regarding the estimate made by the Secretary of the Treasury. The Senator from Utah contends that the Secretary of the Treasury and no one else could have anticipated the income which the Government received from corporations and other income-tax payers, and yet during that same period of time both former President Coolidge and the Secretary of the Treasury stated that the market was not inflated and therefore stocks were worth the prices being quoted; their statements were to the effect that they knew that business and industry were in such condition that stocks were worth the prices then being quoted. So, in effect, they must have known what the income of the Government was going to be.

Mr. BARKLEY. In addition to that, I will say to the Senator that every time there was the slightest indication of a sag in the price of the stocks in the market not only the Secretary of the Treasury but the President came to the rescue by issuing a bullish statement, which assured everybody that stocks were not inflated and that they were worth what they were bringing on the market, which I think made a very substantial contribution to the condition in which we find ourselves at this time.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Utah?

Mr. BARKLEY. I yield.

Mr. SMOOT. The statement made would appear to indicate that our national income comes from dealings in stocks on the stock exchange. What I had reference to is that the business of manufacturing concerns and other industries was greater than was anticipated; the exportation of goods to foreign countries was never exceeded; and, in general, the legitimate business of the country was greater than anyone anticipated.

Mr. BARKLEY. But the Senator will, I think, understand that the bullish statements given out by the Secretary of the Treasury were not only designed to boost the prices of stocks on the stock exchange but they were no doubt intended to create a more optimistic outlook with reference to industry and production along with the boost in prices of stocks, amounting to an intensive drive to bring about greater production, and therefore produce a surplus of products which could not be sold, and which is still hanging over the industrial markets of the United States and of the world.

Mr. SMOOT. Mass production had nothing whatever to do with any statement the Secretary of the Treasury made. Such methods of production began years ago and grew year by year. The result, of course, is just what the Senator has indicated.

Mr. BARKLEY. The Secretary of the Treasury consistently predicted greater prosperity each year and each month. That tended to create and did create optimism on the part of industry, and it encouraged them to go forward and produce goods faster than we could consume them; there is no question at all about that.

Mr. SMOOT. It is a long story and I will not take the time of the Senate now to go into it; but American money which has been sent abroad has been used to a large extent for the purpose of manufacturing goods abroad and that has interfered with the market of domestic mass production, which was able to provide more goods than the American people could possibly purchase. For the output of goods under the system of mass production which had been established in the United States it was necessary to find a foreign market, and when that was denied, on that account and for other reasons, there followed a period of depression.

Mr. BARKLEY. Of course, the optimistic statements constantly and consistently given out by the Secretary of the Treasury and by the President, not only as I said a moment ago encouraged inflation in the price of stocks beyond their value on the stock exchanges but it encouraged every

manufacturer in the United States to believe that there was no end to the prosperity period in which we found ourselves two or three years ago. It encouraged agriculture, it encouraged industrial development, it encouraged the oil industry, it encouraged all our people to believe that there never would come a day when there would be any recession; but all of a sudden we found ourselves lifted as by a balloon into the air with more goods than we could sell not only at home but in the markets of the world, and in the midst of that situation Congress passed an infamous tariff law that curbed our markets in foreign countries even to a greater extent than anybody could have conceived possible.

Mr. McKELLAR. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Tennessee?

Mr. BARKLEY. I yield.

Mr. McKELLAR. Let me see if I understand the situation. The House has passed a bill to authorize the loaning of 50 per cent of the certificates which will amount to about \$800,000,000. This money is to be loaned to the soldiers up to 50 per cent of the value of their certificates at 4½ per cent interest. The Government has on hand in the sinking fund which is eventually to pay these certificates some \$771,000,000.

Mr. BARKLEY. That is true.

Mr. McKELLAR. Then the Government has accumulated a fund practically equaling the fund that we are to advance to the soldiers. Why should we charge them interest? Why should we not just pay them that amount on their certificates?

Mr. BARKLEY. I think the Senator is correct, and that is the very thing I wanted to say. We have accumulated in the Treasury a fund set aside by Congress which in 1945, it is presumed, will be sufficient to pay all the certificates at face value at that time. That fund amounts to \$771,000,000. Of course it is not in cash in the Treasury, but it might have been in cash if the Treasury had not taken that cash and gone out into the open market and invested it in short-term securities.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. COUZENS. The Senator knows I am no defender of the Treasury Department, but I desire to point out that the statute required the department to invest the money.

Mr. BARKLEY. I am not questioning the wisdom of that investment. What I say is that it is not being frank with the people of this country for the Secretary of the Treasury to say that if this bill shall be passed we will have to levy more taxes on the people in order to pay the amount allowed on the certificates, or go out on the market and sell securities, and thus interfere with the sale of private securities at this time of depression.

Of course, this \$771,000,000 is invested in securities and they will have to be sold in order to convert them back into cash, but, if that money is due the ex-service men, in view of the fact that we have already discharged our obligations to other people by three and a half million dollars more than the law requires, why should we hesitate to reconvert these short-time securities into cash and pay it to the soldiers as part payment on the obligations due them.

So far as I am concerned, I object to the 4½ per cent compound interest rate on the amount we propose to lend them. I am informed that the Government is loaning money now to the Pacific Mail Steamship Co., if I am correct in the name, at the rate of about 2 per cent per annum and not compounded at that. The Government is loaning money now to other private interests under laws enacted by Congress for as low, I am told, as 1½ per cent interest or 2 per cent interest, and it is not compounded. Why should we charge the defenders of our flag 4½ per cent compound interest on money that is theirs and is now in the Treasury of the United States, or can be theirs by the sale of securities that were bought with money that belonged to them?

Another objection is that loaning the soldiers 50 per cent of the value of their certificates now and charging them 4½

per cent compound interest would almost entirely eat up the other 50 per cent by 1945. Interest at 4½ per cent compounded annually in 15 years amounts to almost 100 per cent interest for that time. For instance, a man who has a certificate now worth a thousand dollars and obtains a \$500 loan at 4½ per cent compound interest until 1945, will have \$75 due him in 1945 instead of a thousand dollars. That is the thing I object to. It may not be possible to amend that feature of the bill; it may be that coming here at the end of the session, those who desire to do justice to the American soldier may be required to take this bill or nothing; but, Mr. President, it is not in conformity with my ideas of legislative propriety to shove off the defenders of our Nation until the last days of the Congress, and then face the danger of a pocket veto. Assuming that the President is not frank enough to express his views in a veto message or by approval, we are required to be niggardly in discharging the obligation we owe to the soldiers of the United States of America.

Mr. GEORGE and Mr. COUZENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. GEORGE. Mr. President, I have no disposition to discuss the general question of the bonus, or the various bills respecting the adjusted-service compensation. I rise to say that the Finance Committee has already had hearings upon the general question, and we have elicited quite a deal of information—I dare say all that we could hope to get—upon the general question, and upon the bills that have been introduced in the Senate and referred to the Finance Committee.

I rise to express the hope that our colleagues, especially on this side, will not insist upon the motion to discharge the Finance Committee, because I sincerely believe that they will retard rather than advance the consideration of this legislation.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Arkansas?

Mr. GEORGE. I yield to the Senator.

Mr. CARAWAY. Inasmuch as I had given notice some time ago that I intended to move to discharge the committee, and I have been persuaded from time to time to defer pressing that motion under the solemn assurance, as I understood, that action would be had to-day, is the Senator now in position to assure us what day we will get action from the committee?

Mr. GEORGE. I am sure that we shall be able to consider the matter to-morrow, and I am quite certain that we shall be able to report to the Senate to-morrow, because there is no necessity for any extended hearing to-morrow.

Mr. CARAWAY. Is there any excuse for any hearings at all to-morrow? Are there any hearings to be had?

Mr. GEORGE. I do not know that it would be necessary to have any hearings—certainly no hearings of any consequence. It might be that some member of the committee would want to ask a few questions of some one or more witnesses. I doubt if any testimony will be taken.

Mr. LA FOLLETTE and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Georgia yield; and if so, to whom?

Mr. GEORGE. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I take it from the Senator's remarks that he is in favor of the Finance Committee acting on this measure to-morrow.

Mr. GEORGE. Oh, beyond all question of doubt.

Mr. LA FOLLETTE. Then, what criticism can be made of any Senator who, in order to be within the rule, makes a motion to discharge the committee, so that he may press that motion to-morrow in case the committee does not act?

Mr. GEORGE. I am not making any criticism. I am expressing the hope that no Senator will be hastily committed to the effort to discharge the committee in advance of an opportunity for the committee to file its report to-morrow.

Mr. LA FOLLETTE. The point I am making, if the Senator will permit me, is that unless some Senator made that motion to-day, under the rule it would not be in order to make it to-morrow in case the committee fails to act as the result of its morning session.

Mr. GEORGE. That is quite true.

Mr. LA FOLLETTE. Therefore, as a member of the committee, I am glad the Senator from Arizona has made that motion, so that it may be pressed to-morrow in case the committee does not act.

Mr. GEORGE. What the Senator says is quite true; but the Senator from Arkansas [Mr. CARAWAY] has made that motion, or at least gave notice of that motion, some time ago; and there is, of course, no disposition to criticize anyone for making the motion formally to-day. I was expressing the hope, in the interest of action upon the bill, as I believe to be the case, that the committee might be allowed to consider the matter to-morrow morning and make its report to the Senate. I believe that the bill will be reported to-morrow. If it is not reported it will then be time enough, of course, to press the motion for discharge of the committee.

Mr. CARAWAY. Mr. President—

The PRESIDING OFFICER. The Senator from Michigan.

Mr. CARAWAY. Mr. President, I want to call attention to the fact that I was on my feet before the Senator from Michigan rose, and addressed the Chair before the Senator from Michigan rose.

The PRESIDING OFFICER. The Chair will state that the Senator from Michigan tried to get the floor when the Senator from Georgia was recognized.

Mr. COUZENS. Before the Senator from Georgia did. I beg the Senator's pardon; I was on my feet.

Mr. CARAWAY. Let me ask if it is the rule, then, that if a Senator addresses the Chair and sits down or goes to lunch he is entitled to take the floor when he comes back?

Mr. COUZENS. I do not object to yielding to the Senator if he wants to go on at this time.

Mr. CARAWAY. That is not the point. I am objecting most seriously to this way of the Chair sitting there and ignoring some Senator who rises and addresses him and picking out some Senator on the other side who is not on the floor.

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that the Senator from Michigan was trying to secure recognition from the Chair when the Senator from Georgia rose.

Mr. CARAWAY. Then why did not the Chair recognize him then? Why does the Chair wait until some other Senator rises and then recognize a Senator who is not on his feet?

The PRESIDING OFFICER. The Chair thought he was playing fair with both sides.

Mr. CARAWAY. Oh, the Chair recognizes some Senator who is not on his feet when he is being addressed by a Senator who is on his feet.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. WATSON. Mr. President, who has the floor?

Mr. CARAWAY. Just a minute. I have the floor more than the Senator from Indiana has.

Mr. WATSON. Who has the floor?

The PRESIDING OFFICER. The Senator from Michigan [Mr. COUZENS] has the floor.

Mr. CARAWAY. I am asking a parliamentary question. I have the floor for that purpose, even with the Senator from Ohio in the chair.

The PRESIDING OFFICER. The Senator will state his parliamentary question.

Mr. CARAWAY. I am asking when the rule was changed so that the Chair refuses to recognize a Senator on the floor, and picks out some Senator who is not on his feet?

The PRESIDING OFFICER. There has been no change of the rules in that respect.

Mr. CARAWAY. Then the Chair arrogates to himself that authority.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. CARAWAY. There is nothing new about this, of course, as long as the Senator from Ohio is in the chair, but I am objecting to it.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Michigan has the floor.

Mr. CARAWAY. Just a minute.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. COUZENS. I yield to the Senator from Arkansas.

Mr. CARAWAY. No; I am not asking to be yielded to. I am asking a question. What was the remark of the Chair? I am asking a parliamentary question, and I am not asking to be yielded to, because of a remark the Chair made as he turned around. I want to know what it was.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. CARAWAY. It took me some time to get an opportunity to do it. I wanted to ask what was the announcement of the Chair about the rule as he turned around to make his side remark?

The PRESIDING OFFICER. The Senator asked the Chair when the rule had been changed, and the Chair stated that there had been no change of the rule.

The Senator from Michigan has the floor.

Mr. COUZENS. Mr. President, I have been considerably concerned about this legislation for the reason that there have been newspaper stories to the effect that hearings are to be held. There seems also to be much misunderstanding concerning the kind of legislation that has passed the House, and the kind of legislation that the Finance Committee has considered.

When the Finance Committee met on January 26, 1931, the committee discussed the question of whether or not we would proceed with hearings, in view of the fact that the House had taken no action. The Senator from Utah [Mr. Smoot] was absent through illness, and the Senator from Indiana [Mr. Watson] was acting chairman. At the urgent request of myself, the committee proceeded with hearings, so that in case there was any delay in the action of the House the Committee on Finance would have had hearings with respect to the many bills that were then pending.

Not only did the committee take up the question of the bill pending before it, dealing with adjusted-compensation payments, but it also considered indirectly some bills that were presented in the House.

The first bill that was proposed was proposed in May, 1929. For nearly two years now this matter has been before the Finance Committee; so I insisted that we proceed with hearings at that time, and the committee agreed that we should; and we did hold hearings on January 26, 27, 28, 29, and February 3.

Mr. CARAWAY. Mr. President, will the Senator yield to me a minute?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. COUZENS. I yield.

Mr. CARAWAY. In persuading me, last week, to defer action on a motion that I had pending to discharge the committee, the Senator stated that to-day, if the bill was not taken up, he would join in a motion to discharge the committee.

Mr. COUZENS. I am coming to that; and I am perfectly willing that the committee should be discharged, because I think they have covered every factor that is involved in this legislation. I have no objection at all to that motion.

Mr. CARAWAY. I am delighted to hear that. That is what I was trying to get the floor to ask about a while ago.

Mr. COUZENS. I am standing by my word to the Senator from Arkansas.

Mr. WATSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. COUZENS. I yield.

Mr. WATSON. At the time the Senator from Michigan made that promise to the Senator from Arkansas the Senator was laboring under the impression that the House

would not have acted and that the Senate committee might be discharged in case the House had not acted on the matter.

Mr. COUZENS. I desire to correct the Senator on that point, because the House was then considering legislation; and what I was afraid of was that a bill would come to the Senate too late to give the Committee on Finance an opportunity to have hearings, so I wanted the hearings all held in advance.

Mr. WATSON. All of which is quite true. Therefore the Senator in that arrangement proceeded on the theory that the House would not have acted by this time, so he agreed to Tuesday. Now the House has acted, but acted a day later than on this side we anticipated. Therefore it seems to me that it is entirely proper to have the bill go to the committee.

I never saw this bill. Did the Senator ever see it?

Mr. COUZENS. Yes; and I am going to discuss it.

Mr. WATSON. Honor bright, has the Senator ever seen the bill that passed through the House?

Mr. COUZENS. Yes; I have seen it, and read it, and I am going to discuss it now.

Mr. WATSON. The Senator is the only man in the Senate, then, who has seen it.

Mr. COUZENS. I do not know how true that is.

Mr. WATSON. Is that the bill that passed the House?

Mr. COUZENS. I have it here.

Mr. WATSON. There were not 25 Members of the House who ever saw it before they acted on it. They had the percentage of the loan, and that was the end of it, because I went over on that side and talked to many Members of the House to find out about the situation. They had not seen the bill, and the chairman of the Ways and Means Committee himself told me that many Members had not seen the bill; and Mr. TILSON, the floor leader, told me Saturday that he had never seen a copy of it.

Mr. COUZENS. That is the more to their shame.

Mr. WATSON. But they could not find it. They could not get it. It was in the hands of the committee, and it was not let out of the committee. I never saw the bill, and I will venture to say that I have been as diligent as anybody in trying to get a copy of it.

Whether or not the bill has anything more in it than the 50 per cent, I do not know. I do not know what its other provisions are; but why is it wrong for the Senate of the United States, through its committee, at least, to look at a bill before its Members are asked to vote on it?

Mr. COUZENS. I am not so much concerned about whether we put it over to be heard in the committee or not. I am standing by my promise to the Senator from Arkansas. I still desire to point out that if Senators will stay in their seats there will be no excuse, when the time comes for a vote, not to understand the bill which passed the House, and which will be reported out in the same form by the Committee on Finance.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a moment?

Mr. COUZENS. Yes.

Mr. CARAWAY. I want to ask if I properly understood the Senator from Indiana. Did he say that the House Members had not seen the bill when they voted on it?

Mr. WATSON. That is my understanding—most of them.

Mr. CARAWAY. That is a rather remarkable statement.

Mr. WATSON. I stand by the statement, because I will say to my friend from Arkansas that I talked with a number of Members who told me they had not seen the bill.

Mr. CARAWAY. Did I understand the Senator to say that the Committee on Ways and Means of the House would not let them see the bill?

Mr. WATSON. I am not saying anything about that. I am saying that they had not seen the bill.

Mr. CARAWAY. I thought the Senator did say that the Members tried to get hold of it, and could not.

Mr. WATSON. The floor leader himself told me Saturday evening, on the telephone, that he had not seen the bill.

Mr. CARAWAY. Did the Senator understand that he had tried to see it and had been unable to see it?

Mr. WATSON. I said to him, "Why have you not seen the bill?" He said, "I have never gotten a copy of it." He

did not say, "They will not let me have it"; but I do say that the great majority of the Members of the House—and I have no right to discuss the House without violating the rule—never saw the bill when it was voted on.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I do.

Mr. LA FOLLETTE. I merely wish to call attention to the remarkable thing that has been going on for the last 30 minutes, namely, the fact that the administration leaders have been criticizing the House of Representatives, which they usually want to laud for its rules of procedure.

Mr. WATSON. I am not criticizing them. I am stating facts. If the Senator wants to assume that that is criticism, he has a right to put that interpretation on it.

Mr. COUZENS. May I ask the Senator if the statement of a fact may not be a criticism?

Mr. WATSON. It might be; but what I am saying is this: I am trying my level best to keep the Senate of the United States from doing what the House did—vote on a proposition without ever having seen it.

Mr. COUZENS. That is the very purpose for which I rose.

Mr. WATSON. That is all right.

Mr. COUZENS. I do not intend, so far as I can prevent it, to have the Senate vote upon a piece of legislation that they do not understand; and if Senators will remain in their seats they will understand it before the day is over. Then, when the bill does come up for consideration, there will be no reason on earth for saying, "The bill ought to be delayed because I do not understand it, and I have had no time to study it." If Senators will remain in their seats, they will have a chance to understand it before they vote on it.

Mr. President, there are quite a number of Senators who have come into the Senate since Congress in 1924 passed the adjusted compensation act.

Mr. LA FOLLETTE. Mr. President, I ask for order in the Chamber.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. COUZENS. There are also a number of Senators here who were in the House during the consideration of that legislation by the House. So that it is hardly conceivable that there are any Senators here who have not informed themselves, or will not be able to inform themselves before the legislation comes up for consideration, as to the basis of it.

Mr. President, during the consideration by the Finance Committee of the several bills, I asked the Administrator of the Veterans' Bureau to prepare a brief statement as to how this legislation came about, why the adjusted-compensation certificates were issued, and the basis of them. It will take but a moment to read what he said, and I am going to quote his statement. It is as follows:

General HINES. Mr. Chairman and gentlemen of the committee, I believe it would be advisable before I take up the several bills which have come to the attention of the Veterans' Administration to give the committee some basic information on just what this proposition is.

Senator WATSON. Very well. You may proceed.

General HINES. Gentlemen, may I first review the whole proposition, in a general way: In 1925 Congress, after considerable deliberation, decided to enact what is known as the adjusted compensation bill. The basis of the adjustment was to authorize \$1 a day for each day's service in the United States, and \$1.25 for each day's service overseas. Taking that, then, as the basic credit, there was added to the amount 25 per cent. The total amount, then, the basic credit, I mean, plus 25 per cent, was used as a single net premium to fix the maturity value of the adjusted-service certificate, or what would come nearest to an endowment policy, payable in 20 years. This credit not to exceed \$500 for the man who served only in the United States and \$625 for the man who served overseas.

That adjusted-compensation matter was debated on the floor of the Senate in 1924, and those who were here will remember that this was an effort on the part of Congress to in some way bring up the compensation of the veterans to what the commonest laborer got in the United States during the time of the great World War.

In that matter the veterans had no choice. It was well known that they demanded cash. Congress said, and the Treasury said, that it could not be afforded in cash, so they devised this scheme to postpone payment to the veterans until 1945.

I submit that if any other creditor of the Government who had money coming through an adjustment of his contract, or if the railroads, in receiving adjustments of what was due them at the time the Government turned them back, had been asked to wait until 1945 and accept in lieu of cash an insurance policy, they would have resented it. As a matter of fact, many of the World War veterans did resent the fact that the Congress agreed to give them a 20-year endowment policy instead of cash.

A rather strange coincidence in that connection is the fact that had the veterans gotten the additional pay which the Congress admitted was due them, had gotten it in 1917, 1918, and 1919, had invested it at 6 per cent, and the interest had been compounded from 1917, 1918, and 1919 up until the present time, it would have represented 95 per cent of the face value of the adjusted-compensation certificates. So, as a matter of fact, if we paid the complete face value of the certificates, we would be doing no more than justice to the veterans. But that seems impossible.

In spite of numerous requests I made of the chairman of the committee, he refused to consider at all any bill dealing with the payment of the adjusted-compensation certificates in any form. I know my colleague urged the chairman of the committee to hold hearings and proceed to consider the numerous bills before it. My colleague had a bill before the committee substantially in the form of the bill which has recently passed the House; there is no substantial difference between the bill introduced by my colleague and the one which passed the House. Therefore it is perfectly apparent that the committee has heard everything it possibly could hear with respect to the bill which passed the House.

I can not see any reason for holding hearings. Every fact has been disclosed, as to the number who will take advantage of it and as to what it will cost the Government, and that seems to be the primary interest in the matter. Yet the senior Senator from Indiana [Mr. WATSON] issues a statement to the press that we must hold hearings, but if the hearings already held be gone over—and they are not very extensive—it will be found that the very bill my colleague introduced, and which was then before the committee, was considered, and that substantially that bill has been passed by the House. There are no differences in figures.

Mr. WATSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. COUZENS. I yield.

Mr. WATSON. Owing to the fact that this bill had not had wide publicity, the fact that the majority of the Members of the House, in fact practically all of them, had never seen it, the further fact that the bill was never really printed until yesterday morning, and I had thought that nobody in the Senate had seen it at all, it occurred to me that it might be within the limits of propriety to have General Hines come up and tell us what it meant; and to have the Secretary of the Treasury, or somebody representing him, come before the Committee on Finance. I had no thought of prolonged hearings, and I will say this to the Senator, that I had in my mind no idea that we would hold the bill until it might be disposed of by a pocket veto. I have not had any such thought in mind.

Mr. COUZENS. I did not charge the Senator with that.

Mr. WATSON. I understand that, but somebody might think that because I had said that I thought there might be some hearings on the question I had that in mind.

Does my friend from Michigan pretend now to say how many of the soldiers will avail themselves of this proposition if it passes, and how much it will involve the Government if this measure becomes the law?

Mr. COUZENS. I intend to read to the Senate the testimony submitted by General Hines on that very subject. The Senator is as familiar with that as I am.

Mr. WATSON. Yes; I am.

Mr. COUZENS. And every member of the committee who participated in the hearings is familiar with the estimated number of veterans who will take advantage of the opportunity, and the estimated cost to the Government, and nobody can do any better by any more extensive hearings.

I want to say in that connection that I am finding fault with the Senator from Indiana, not because I believe he intended to hold extensive hearings but because it went out to the country that after the House had passed the bill it was the intention on the Senator's part to demand hearings, and everyone knows what a demand for hearings usually means. It generally means protracted delay. I do not charge the Senator with having that in mind but the public got that impression, nevertheless.

Mr. WATSON. I do not know what the public thought about it.

Mr. COUZENS. I do.

Mr. SWANSON. Mr. President, will the Senator yield to me?

Mr. COUZENS. I yield.

Mr. SWANSON. It does seem to me that those of us who want to give some relief to the soldier ought to stand together, both for the method and the amount. If I read the papers aright, we will have to pass this bill over the President's veto. That is the intimation given. It does seem to me that if the Finance Committee is favorable to the soldiers and will report the bill, it ought to be reported in time for us to have a chance to vote if the President vetoes it, and let the will of Congress either become effective or be nullified by the veto. If the committee is favorable—and I do not care to vote to-day to discharge them, with the intimation that the committee is not favorable—

Mr. ASHURST. We can not vote to-day.

Mr. SWANSON. We can not vote to-day but I would not like to vote to-morrow to discharge them. It seems to me that we ought to give notice, and give the committee an opportunity to report the bill, so that we can dispose of it in the Senate in ample time for the will of Congress to be determined one way or the other if a veto comes. To vote right now would be an imputation that the committee is not favorable to soldier legislation, and I think they are.

Mr. COUZENS. Mr. President, I did not yield for a speech.

Mr. SWANSON. I want simply to suggest that, so far as this motion is concerned, I think it ought to go over until a certain day, and give the committee an opportunity to act. If they do not act by that day, then let us vote on the motion to discharge them, because that will give them an opportunity to consider the bill and dispose of it as a committee.

Mr. COUZENS. Mr. President, so far as I am concerned, I do not intend that when the bill comes out of the committee, whether it be to-morrow or the day after to-morrow, Senators will have an opportunity of saying that they have had no chance to know what is in the bill as it passed the House, that they are not familiar with the hearings, do not know what it is to cost the Treasury, or the number of veterans who are to be benefited by it. I intend to have the facts understood before any legislation goes through, so that, if I can prevent it, no excuse can be offered of lack of knowledge as to this proposed legislation. I am not so concerned about whether the committee is discharged to-day or to-morrow, but of course if the motion made by the Senator from Arkansas is put, I will vote for it, but I think it would be just as well if we took it up to-morrow noon as if we took it up to-day.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. COUZENS. I yield.

Mr. CARAWAY. I heard some Senators—not while they were presiding—ruling that we could not vote to-day. I merely want to call attention to the fact, in the Senator's time, that the motion has been entered, and it is subject to be voted upon to-day. I am willing to do this—

Mr. ASHURST. Mr. President—

Mr. CARAWAY. Senators have been ruling on the question from the floor.

Mr. COUZENS. Mr. President, I think the Senator from Arkansas did enter a motion.

Mr. ASHURST. Mr. President, may I interrupt the Senator?

Mr. COUZENS. There was a separate motion made by the Senator from Arizona. That is a different motion. The Senator from Arkansas entered his motion long before the Senator from Arizona entered his.

Mr. CARAWAY. That is what I started to say in the Senator's time. Just one moment. I am interested in the legislation being passed, and I am so conscious of the sympathetic cooperation of the Senator from Michigan that if he can assure us that we will get a vote on the bill in the committee to-morrow, I will not object, but if the bill can be held in the committee for three days, they might just as well not report it at all, because of the fact that there will be no possibility of enacting it. Cloture could not be secured, and the bill could not be passed in time to prevent a pocket veto if it were retained in the committee for three days.

Mr. COUZENS. I agree with that, and I do not assume that the committee intends to do any such thing.

Mr. CARAWAY. I am not assuming it; I am trying to cooperate. I do want to say again, however, that to-morrow I shall insist upon the motion being acted on.

Mr. COUZENS. What I am particularly concerned about is that even after the bill comes to the floor of the Senate, assuming that it is reported to-morrow, it can not be taken up until Thursday. I do not want the friends of the measure to use the time of the Senate in trying to explain the bill and then have it go over until such time that it can not go to the President until next week. It is quite possible that friends of the measure may try to make long speeches to explain their position and to explain the bill and, combined with the speeches of the opponents of the measure which they may want to make, that would put it over until next week and then a pocket veto would be possible.

Mr. TYDINGS. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. COUZENS. I yield.

Mr. TYDINGS. Would it not be possible through a unanimous-consent agreement to refer the bill to a committee and instruct the committee to report it back to the Senate by a certain date and further agree that not later than a certain hour on the succeeding day, namely, outside of the 10-day limit, the Senate would vote upon the measure? It seems to me we could refer it to a committee and get it back and have the discussion and get it to the President within the time limit simply by process of a unanimous-consent agreement.

Mr. COUZENS. I do not desire to ask for unanimous consent until the bill has been explained. I do not favor enacting legislation which Senators have an opportunity of saying they do not understand. I know as a matter of practice there is a lot of legislation enacted which Senators do not understand, but I do not propose to give them an opportunity to say they do not understand this legislation.

To come back now to the picture which I was trying to draw a while ago, after the enactment of the adjusted compensation law General Hines said that—

From the enactment of the measure up to the present time we have issued to all veterans 3,498,376 certificates.

Nearly 3,500,000 veterans have received their certificates. He stated that these certificates have a face value of \$3,500,000,000; in other words, the average value of each certificate is \$1,008.47.

The original law provided a loan value which has been fixed by the Veterans' Bureau at this time to be 22.5 per cent of the face value. The bill which passed the House proposes to increase that loan value to 50 per cent. The bill which passed the House makes certain provisions, and I am only going to read a part of the paragraphs which have a particular bearing on this question.

The bill (H. R. 17054) to increase the loan basis of adjusted-service certificates as passed by the House, on page 1, beginning in line 6, provides as follows:

(1) For the purpose of this section the loan basis provided in subdivision (g) shall at no time be less than 50 per cent of the face value of the certificate, and in no event shall the rate of interest on any loan made after this subdivision takes effect exceed 4½ per cent per annum, compounded annually. If at the time of application to the Administrator of Veterans' Affairs for a loan the principal and interest on or in respect of any prior loan under this section have not been paid in full by the veteran (whether or not the loan has matured), then, on request of the veteran, the administrator shall (1) pay or otherwise discharge such unpaid principal and so much of such unpaid interest (accrued or to accrue) as is necessary to make the certificate available for use as security for the new loan and (2) deduct the same from the then existing loan basis of the certificate.

Mr. JONES. Mr. President, the Senator, I know, can give me the information which I seek if he will yield.

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Washington?

Mr. COUZENS. I yield.

Mr. JONES. What rate of interest is provided for the 22.5 per cent loan basis?

Mr. COUZENS. Two per cent above the Federal reserve rediscount rate in the district in which the loan is made.

On page 2, beginning in line 11, the bill provides:

(m) Loans made by the Administrator of Veterans' Affairs under this section may at his option be made out of the United States Government life-insurance fund, or out of the adjusted-service certificate fund created under section 505.

On page 2, beginning in line 18, it is provided:

Sec. 507. All amounts in the fund shall be available for payment by the administrator of adjusted-service certificates upon their maturity or the prior death of the veteran for payments under section 502 to banks on account of notes of veterans and for making loans authorized by section 502 as amended.

Section 3 provides:

There is authorized to be appropriated such amounts as may be necessary to provide for the making of loans to veterans by the Administrator of Veterans' Affairs under the World War adjusted compensation act as amended.

Section 4 provides:

This act may be cited as the "emergency adjusted compensation act, 1931."

In this connection I want to say that the criticism is made—and, I think, with some justice—of some features of the measure—

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Florida?

Mr. COUZENS. I yield.

Mr. FLETCHER. May I interrupt the Senator to submit an inquiry? The bill authorizes an appropriation. Would it be necessary to follow this legislation with an appropriation bill?

Mr. COUZENS. No; it does not authorize an appropriation. It provides for the use of certain funds already in the Treasury.

Mr. FLETCHER. Has the Senator any idea about the proportion of veterans who have already borrowed the 22.5 per cent?

Mr. COUZENS. I am coming to that in a moment, if the Senator will be patient.

Some Senators have suggested and some veterans have suggested that where the veteran wants to borrow 50 per cent of the face value of his certificate at 4½ per cent, compounded annually, he should be permitted to take what would be due in 1945 if he did not at any time between now and then pay up his loan. It has been estimated that a veteran who borrows \$500 now and does not pay any interest or any part of the principal until 1945 would have at that time about \$32 left of the value of his certificate. But there is one fact that seems to be overlooked, and that is the remaining part of the certificate is really an insurance policy for the heirs of the veteran should he die before 1945. In other words, if a veteran should borrow \$500 to-day at 4½ per cent and die next week, his heirs would get the other \$500; so there is a material value in the certificate aside from the fact that if he lives until 1945 he would only have \$32 left.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. COUZENS. I yield.

Mr. NORRIS. If the veteran did not die until the day before the maturity of his certificate, then in the case the Senator states the widow or heirs would get only \$32?

Mr. COUZENS. Yes.

Mr. NORRIS. And between those two dates the amount would vary according to those two extremes?

Mr. COUZENS. Yes.

Mr. NORRIS. The sooner the veteran dies the more the estate would get?

Mr. COUZENS. That is true.

Mr. NORRIS. And the longer he lives the less the estate would get?

Mr. COUZENS. That is true.

Mr. NORRIS. That would be a case where the life-insurance policy would progressively lose its value as it grew in age?

Mr. COUZENS. For the man who borrows, yes; or for the man who borrowed the full limit; but for the man who did not borrow the full limit or who wanted to pay up, it would be the same as any other insurance policy.

Mr. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Wisconsin?

Mr. COUZENS. I yield.

Mr. BLAINE. I am not familiar with the bill as it passed the House.

Mr. COUZENS. I have just been explaining it as best I could.

Mr. BLAINE. My attention was this morning called to one of the provisions of the bill that the loan could not be made to the veteran until two years after he had received his certificate.

Mr. COUZENS. There is no such provision in the bill as that, and General Hines has stated that practically all certificates have been issued. Those which had been applied for had been issued. If the veteran has not applied for his certificate, it is his loss.

Mr. BLAINE. So long as he has the certificate, no matter how long he has had it, he would be entitled to a loan?

Mr. COUZENS. I think the original act provided that there would not be any loan value until two years had expired.

Mr. BLAINE. That was my understanding.

Mr. COUZENS. That is not mentioned in the bill which I am discussing, but it would carry over anyway because that part of the law is not modified.

I submit to Senators that the bill should not be amended at all, even though we disagree with the $4\frac{1}{2}$ per cent interest rate. I submit that if the bill should go to conference, knowing who the conferees would be, we should not take any risk of the bill being held up in conference until the time for a pocket veto has arrived.

Mr. NORRIS and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. Does the Senator from Michigan yield; and if so, to whom?

Mr. COUZENS. I yield first to the Senator from Nebraska.

Mr. NORRIS. I want to ask the Senator from Michigan two questions: First with reference to the question asked by the Senator from Wisconsin [Mr. BLAINE]. I understand that under the general law, not under this bill, a veteran has to have his certificate two years before he is entitled to get any loan on it.

Mr. COUZENS. That is my understanding.

Mr. NORRIS. That provision is not changed?

Mr. COUZENS. No; it is not changed.

Mr. NORRIS. If this bill should pass without amendment, the veteran who got his certificate a week ago or the day before the bill became a law, we will say, could not get anything in the way of a loan under the provisions of the bill until he had waited two years.

Mr. COUZENS. I think that is true. I think he ought to wait, because all other veterans have had to wait until there is a loan value to their certificates.

Mr. NORRIS. Whether he ought to wait or whether he ought not; at least, that is the fact.

Mr. COUZENS. That is the fact.

Mr. NORRIS. That is what I wanted to bring out now.

Now, I want to call the attention of the Senator, if he will permit me further to interrupt him, to another matter. He said the bill ought to be passed without amendment. He believes, I take it, that if it is not passed without amendment it will have to go to conference.

I would like to call the Senator's attention to the fact that if we amend the bill and it is messaged to the House, then, under the rules of the House before it can go to conference, a preferential motion could be made to agree to the Senate amendment. Any Member of the House could be entitled to make that motion even if a motion were pending to send the bill to conference.

Mr. COUZENS. If he can get recognition.

Mr. NORRIS. I understand that this is an instance where the Speaker of the House is not taking orders from the White House. If that is the case, I assume that he is friendly to the legislation. If we amend the bill by making the rate $3\frac{1}{2}$ per cent instead of $4\frac{1}{2}$ per cent, I take it that if the Speaker feels that way about it he would recognize some Member who would make that motion. Even if he did not do so, under the rules of the House, that being a preferential motion, any Member of the House would be entitled to make it because, under all parliamentary procedure, a motion in a matter of conference which tends to bring the two Houses together where they are disagreeing has precedence over any motion that does not tend to bring them together. It is a preferential motion well recognized in parliamentary law.

It seems to me there would be no danger if we made an amendment of that kind. The Senator must remember that Members of the House have had no opportunity to vote on amendments. The bill went through the House under a gag rule that would not permit any Member to offer an amendment. He was not entitled to offer an amendment. He was not entitled to speak on the bill, except that 20 minutes' time was allowed on each side, and he had to get consent then from somebody who had charge of his side of the matter. It is fair to assume, the rank and file of the membership of the House being so favorable to this legislation, having passed it even with a high rate of interest by such a tremendous majority, that they would be in favor of any amendment that would be more fair than the provisions of the bill now provide for the veteran, and a motion made to agree to a Senate amendment reducing the rate of interest, it seems to me, would carry immediately.

Mr. COUZENS. I do not intend to contest with the Senator about the parliamentary situation. He is a much better parliamentarian than I, and I am not going to contest with him about that matter. But I am not sure that all the smooth sailing the Senator refers to would really take place in practice. In any event, I prefer to get something for the veterans rather than have them jockeyed out of everything by any parliamentary situation which might arise. My alarm may be unfounded because of my lack of familiarity with the House rules as compared with the knowledge the Senator from Nebraska has of those rules.

Mr. COPELAND. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New York?

Mr. COUZENS. I yield.

Mr. COPELAND. There was such unanimity of sentiment in the House on the passage of the bill that I am led to ask the Senator if he does not think that with a lowering of the rate of interest, the chances are 99 to 1 that the House would accept the lowered rate?

Mr. COUZENS. There are several considerations involved in that question. A $4\frac{1}{2}$ per cent rate or any higher rate than 4 per cent is an encouragement to the veteran to retain his certificate. I for one am anxious not to charge the veteran $4\frac{1}{2}$ per cent, but I am also anxious that every veteran who possibly can shall retain his certificate without borrowing money on it or using it unnecessarily. The agitation for this measure was inaugurated in the interest of the veteran who is in need, and if he is not in need, I do not want to offer him any encouragement to discount his policy.

Mr. COPELAND. The Senator believes that the rate fixed by the House is much higher than necessary, does he not?

Mr. COUZENS. It depends on what the Senator means by "necessary." Of course, the Senator recognizes that the handling of these numerous small loans is an expensive undertaking, which will cost a lot of money, and it is doubtful whether an interest rate of $4\frac{1}{2}$ per cent, in addition to what the Government has to pay, will any more than compensate the Government for making and looking after the numerous loans.

Mr. COPELAND. For the reason the Senator has just given, he regards the contemplated loan to veterans as being very different from our loans to shipping interests where the rate was fixed at $3\frac{1}{2}$ per cent, because, he says, it will be a much more expensive procedure to handle so many small loans. That, I take it, is the position of the Senator on that matter?

Mr. COUZENS. Yes; but I am perfectly willing, so far as I am concerned, to make the loans without any charge, or at 2 per cent. I am not concerned about the half or one and a half or a fraction of a per cent; I want legislation. No one knows whether or not there was unanimity among the Members of the House on the question of the interest rate. I know that there were a large number of House Members who wanted to do what they could do to deter the veteran from cashing in his compensation certificate if it was not necessary for him to do so as a means of immediate relief.

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. COUZENS. I yield.

Mr. WALSH of Massachusetts. An expert in the Veterans' Bureau this morning, with whom I conferred, informed me that the difference between 1 per cent and one-half of 1 per cent compounded annually for 14 years would amount to only 7 cents. So the difference on a loan of \$100 covering a period of 14 years would be \$7.

Mr. COUZENS. It would not make very much difference, because, as I have heretofore pointed out, if a veteran borrowed half the value of his certificate at this time and paid $4\frac{1}{2}$ per cent interest, assuming he had a thousand-dollar certificate, which is the average, he would have some \$32 left at the end of 1945.

Mr. WALSH of Massachusetts. I think that is confirmatory of the Senator's position, with which I am in accord, that whether the rate be $4\frac{1}{2}$ per cent or 4 per cent is more or less immaterial.

Mr. COUZENS. As a matter of fact, it is not so material to the veteran whether he pays 4 or $4\frac{1}{2}$ per cent, because it would make very little difference at the end of the period as to the number of dollars he would get.

Mr. VANDENBERG. Mr. President—

Mr. COUZENS. I yield to my colleague.

Mr. VANDENBERG. Several Senators have constantly compared this loan rate with the cheap price of Government money generally. I think it ought to be clearly borne in mind, however, that so far as the structure of this particular bill is concerned the entire system would be upset if the rate should be reduced below 4 per cent, because the maturity fund must be invested at 4 per cent under the law in order to be amortized in 1945.

Mr. COUZENS. That is correct, because the money that so many assume is in the Treasury to take care of the adjusted-compensation certificates is not in the Treasury in cash; of course not. Sinking funds and reserve funds of that kind are not ordinarily kept in idle cash. What the Secretary of the Treasury did—and it was perfectly proper—was to put certificates of indebtedness issued by the Federal Government into this fund bearing a 4 per cent rate, so as to enable the fund to earn 4 per cent, as provided by law.

Referring to the estimates of what the various bills would cost, General Hines testified before the Finance Committee as to what the various plans would cost the Government, but in doing so the best that can be said is that his figures were estimates. When it comes to a matter of borrowing or when it comes to a matter of discounting these certificates at the

present-day value, no one knows how many veterans are going to borrow and no one knows how many would take advantage if the certificates could be cashed at present-day value; and so any estimate except upon complete payment of the certificates now would be only a guess.

In the House report which was submitted by Representative BACHARACH he says:

There have been introduced in the House some 50 or more bills bearing upon the payment of adjusted-service certificates; the first of these were introduced as early as May 28, 1929. The principles of these bills are exactly the same, so that they may be grouped into four general classes.

(a) Those that contemplate the payment of the face value of the certificates in cash.

That was the plan that I thought was perfectly justified, based on a previous statement I made, considering what the money would have earned had the veteran obtained it at the time he was entitled to it.

(b) Those that contemplate payment of the basic credit, plus 6 per cent interest from 1918.

(c) Those that contemplate payment of the basic credit, interest at 4 per cent, with full 25 per cent additional credit.

(d) Those that contemplate payment on present-value basis, allowing earned portion of 25 per cent credit.

The total amount of cash required to be raised by the Treasury to put into effect the first class would be \$3,409,250,000; for the second class it would require \$2,770,714,605; for the third class it would require \$2,106,250,000; and for the fourth class it would require \$1,728,770,393.

There was unanimity on the part of the committee that some kind of legislation bearing upon this question should be enacted by this Congress, and after giving full and careful consideration to all the four above-mentioned plans, the committee rejected all of them and agreed upon the bill (H. R. 17054) herewith submitted.

That is substantially the same as the bill introduced by my colleague [Mr. VANDENBERG], which is pending before the Finance Committee, and on which hearings were held. So I repeat that hearings have been held upon this plan.

Under section 1 of the bill, subdivision (1) of the amendment, which was recommended to be added to section 502, provides that the loan basis of any certificate shall be not less than 50 per cent of the face value of the certificate. It also provides that the interest rate on any loan made after the subdivision takes effect shall not exceed $4\frac{1}{2}$ per cent per annum compounded annually. The subdivision further makes provision whereby the possession of certificates already pledged as security for loans may be obtained by the Administrator of Veterans' Affairs for the purpose of making a further loan.

So, in fact, if a veteran has a certificate in "hock" now for a lesser loan he may get it returned for the purpose of making an additional loan.

The new subdivision (m) to be added to section 502 extends the authority of the Administrator of Veterans' Affairs so that in addition to making loans out of the United States Government life-insurance fund, loans may also be made out of the adjusted-service certificate fund.

That is where I think the Secretary of the Treasury makes his particular objection. He has invested this fund of some \$750,000,000 in Government securities bearing 4 per cent interest. Obviously when the money is used for loaning the veterans he has to take out of that fund the 4 per cent certificates of indebtedness and sell them on the market, and that is what he is particularly objecting to, although I do not think that the objection can be taken seriously.

Section 2 of the bill proposes an amendment to section 507 of the World War adjusted compensation act so that loans authorized to be made out of the adjusted-service certificate fund.

Section 3 of the bill authorizes the necessary appropriations to be made for carrying into effect the purposes of the bill.

On January 1 it is estimated that there were in force and effect approximately 3,400,000 certificates, with a maturity value of about \$3,423,000,000, or, averaging a little over \$1,000 apiece. On certificates issued as of January 1, 1925, in the average case $22\frac{1}{2}$ per cent of the maturity value may, under the present law, be borrowed, the total loan value approximating \$730,000,000.

It is a rather strange coincidence that if every veteran now availed himself of the law, he could use up every dollar that is now in the adjusted-compensation reserve fund.

This bill provides for increasing this loan value to \$1,712,500,000.

That is where the confusion seems to arise. The Treasury Department seems to insist that the maximum loaning privilege will be availed of. The record, however, does not show

nor does past experience justify any such conclusion as that the veterans will borrow the entire \$1,712,500,000.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. COUZENS. I yield.

Mr. CARAWAY. Does the estimate take into consideration the number of veterans who have died and whose policies have accordingly matured in full?

Mr. COUZENS. Oh, yes; it takes into consideration only those who are now alive, the certificates that are alive.

Mr. SMOOT. The insurance, of course, is to be paid in full.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to his colleague?

Mr. COUZENS. I yield.

Mr. VANDENBERG. At that particular point, may I suggest that if the same percentage of loans should be made under the new privilege as already exists under the old privilege, it will add only \$430,000,000 to the outstanding loans. In other words, if the veteran performs to-morrow in this respect as he did yesterday, the cost of this plan by way of additional financing is limited to \$430,000,000.

Mr. COUZENS. I think that is correct, but, of course, I think that more veterans probably would avail themselves of the privilege if they could get a substantial amount.

Mr. SHORTRIDGE. Mr. President, will the Senator permit a question?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from California?

Mr. COUZENS. I do.

Mr. SHORTRIDGE. Roughly speaking, how many outstanding certificates are there?

Mr. COUZENS. There are 3,498,376.

Mr. SHORTRIDGE. How many holders of certificates have availed themselves of the borrowing privilege?

Mr. COUZENS. Somewhere in the neighborhood of from 1,300,000 to 1,500,000.

Mr. SHORTRIDGE. That is, roughly, about one-third?

Mr. COUZENS. Yes; roughly, it is about one-third; 1,200,000 would be just about one-third.

Mr. VANDENBERG. Mr. President, will the Senator permit an interruption?

Mr. COUZENS. Yes.

Mr. VANDENBERG. I should like to say that the Administrator of Veterans' Affairs has estimated that 48 per cent of the men have exercised 43 per cent of their borrowing privilege.

Mr. COUZENS. I do not quite catch the point of the Senator's remarks, or else we have got the matter confused, because if there are three and a half million certificates outstanding and only 1,200,000 veterans have borrowed on them, the percentage is about a third.

Mr. SHORTRIDGE. I have been under the impression that about one-third of the holders of the certificates have availed themselves of the borrowing privilege. May we not assume that, speaking in round terms, the remaining two-thirds have not felt it necessary to exercise that privilege?

Mr. COUZENS. Mr. President, I do not want in any way to mislead the Senate. I think, as a matter of fact, that perhaps more would avail themselves of the loan privilege, because they would then get a substantial amount rather than going along at 22½ per cent now, and less the year before, and less the year before, and less the year before. It was a situation which did not in any way encourage the veterans to participate.

Mr. SHORTRIDGE. But the Secretary, in the figures given by him, proceeds upon the assumption that all veterans would avail themselves of the maximum privilege of borrowing; does he not?

Mr. COUZENS. That is what he does; yes; and that is the sort of publicity which has been given out, and the press has printed it, which in my judgment indicates the situation as being worse than it probably would be.

Mr. VANDENBERG. Mr. President, will the Senator yield just once more?

The VICE PRESIDENT. Does the Senator from Michigan yield to his colleague?

Mr. COUZENS. I do.

Mr. VANDENBERG. And it is on the basis of those estimates, rather than upon the basis of the probable fact, that the New York financial market seems to be disturbed from day to day.

If I may read from the New York Times of Sunday—

The present condition of the market is such that a hint of unfavorable news can upset matters quite as easily as the actual publication of the news. The warning of Secretary Mellon, which was published yesterday, indicating that the compromise bonus plan under consideration would require a billion dollars in new Government financing, was the signal for further hammering of prices on Liberties—

And so forth.

Mr. COUZENS. Of course, the Senator knows that it did not need any signaling. It was already rigged in advance.

Further continuing:

Approximately \$325,000,000 has been loaned on adjusted-service certificates. Of this amount approximately \$13,000,000 is represented by notes held in the adjusted-service certificate fund, \$26,000,000 in the hands of banks, and \$286,000,000 from the United States Government life-insurance fund. The total assets as of the first of the calendar year held by the adjusted-service-certificate fund amounted to approximately \$771,000,000, from which provision must be made for the payment of certificates maturing on account of death.

That is a matter which I have heretofore referred to—that no matter how much the veteran may borrow, or how much his certificate may be worth to-day, in case of death his heirs get the full amount and face value of the certificate; so that there is some considerable value to the certificates outside of the question of the loan value.

I referred to the \$771,000,000 now in the fund—

from which provision must be made for the payment of certificates maturing on account of death, which, according to the American Experience Table of Mortality, will amount to \$21,000,000. The assets of the adjusted-service-certificate fund are composed of \$756,000,000 in special Treasury notes and \$13,000,000 in notes secured by adjusted-service certificates, the remaining \$2,000,000 being represented by accrued interest.

It will thus be seen that the principal feature of the bill is that it increases the loan value to 50 per cent of the face value of the certificates. This compares with a loan value of 53 per cent on an old-line-insurance policy which has been in force the same length of time as the adjusted-service certificate; in other words, on an old-line-insurance company's policy for \$1,000, running for the same length of time, \$530 could be borrowed, while only \$500 can be borrowed on the adjusted-service certificate.

Where is the great liberality, where is the great favoritism shown the veterans, by lending them on their adjusted-compensation certificates less than they could have gotten if they had purchased an old-line-insurance certificate?

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. COUZENS. I yield.

Mr. WALSH of Massachusetts. Has the Senator been impressed with the widespread misinformation and misunderstanding in the country about this proposed legislation?

Mr. COUZENS. The fact is that I am wholly disgusted, because every editorial you pick up from every eastern paper states that we are creating a preferred class—

Mr. WALSH of Massachusetts. I agree with the Senator.

Mr. COUZENS. That we are creating a class whereby we take care of the unemployed in that class, and neglect the unemployed in other classes.

Mr. WALSH of Massachusetts. Exactly; and is it not the fact that the bill that was passed by the House yesterday will not cost the United States Government one cent in the long run?

Mr. COUZENS. Absolutely not.

Mr. WALSH of Massachusetts. And yet the impression has gone forth that this was a raid upon the Public Treasury; that the Representatives in the Congress were appealing for veteran votes, and were unconcerned about the United States Treasury. The fact is that in the long run absolutely no expense at all will result to the United States Government.

Mr. COUZENS. There is one qualification to that, and that is, of course, the indirect effect it may have on governmental securities, outside of the actual money that may be paid.

Mr. WALSH of Massachusetts. I think the Senator agrees that that is very indirect.

Mr. COUZENS. It is indirect, and it may have some effect; but what if it does? In the case of every other security that we issue, the more we issue the more effect it has upon the market. There was no difficulty in borrowing all the money and issuing all the certificates we needed when we paid the railroads millions to adjust their compensation for the use of their facilities during the war.

Mr. WALSH of Massachusetts. Aside from the question of whether it is wise or unwise legislation, how does the Senator explain the extent of the ignorance and misrepresentation about the facts throughout the country?

Mr. COUZENS. The Senator knows that it is not ignorance. The Senator knows that it is deliberate misrepresentation. It is not ignorance, because I can not conceive that the great bankers who appeared before the Committee on Ways and Means of the House were so ignorant that they did not know the real situation. It was just a deliberate attempt to avoid depressing the security market. I admit that it may be depressed; but what of it? Those who have securities expect them to go up and down in price because of changing economic conditions; and certainly there is no reason why we should let millions of veterans suffer and be in distress because to take action to relieve them may affect somebody's securities. I mean, that objection is ill founded, because if it were necessary to issue securities for any other purpose the question would not be raised.

Mr. WALSH of Massachusetts. The whole propaganda comes from the class of people who are against any and all kinds of relief, and who fail to realize the distressed conditions of the country at the present hour.

Mr. COUZENS. That is true.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. COUZENS. I do.

Mr. BORAH. The Senator from Michigan speaks about the veterans in distress. Is this bill confined in its aid alone to those who are in distress?

Mr. COUZENS. Oh, no; it is not confined to them; but I used the same argument that the Senator from Idaho used on the loan bill last week—that we are not going to create any property class or any pauper class if I can help it; and the Senator particularly emphasized that in his opposition to the bill the other day.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator yield further?

Mr. COUZENS. I do.

Mr. BORAH. If this bill were confined to those who are in distress or to those who are in need, I could very heartily support it. I want to help those in need and I would like to stop there.

Mr. COUZENS. But what is the objection to loaning money to those who have security? This does not involve any cost to the Government. I want the Senator from Idaho plainly to understand that we are not giving the veterans anything. We are loaning them money with adequate security, the same as we did in the Interior Department appropriation bill which was passed on Saturday.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan further yield to the Senator from Idaho?

Mr. COUZENS. I yield.

Mr. BORAH. Of course, the Senator must begin with the proposition of issuing the certificate in the first instance; starting back with the beginning, we are contributing to the soldiers something that we are not contributing to others.

Mr. COUZENS. Oh, no; I do not agree with that at all. I related at the beginning of my statement the reason for issuing these adjusted-compensation certificates.

Mr. BORAH. It was a bonus.

Mr. COUZENS. No; it was not a bonus, and that is what I object to. I do not agree that it is a bonus.

Mr. BORAH. I do. I am on record on that long ago.

Mr. COUZENS. When a man comes in and has his pay adjusted on an equitable basis, that is not a bonus. A bonus is something that you have no right to expect. When bonuses are given in industry, they are usually arranged at the end of the period, at the end of the fiscal or the calendar year. A bonus is a gratuity that is usually given by the industry, whether it be banker or manufacturer, to the employee because the employer has had an unusually successful year.

That is not what happened with the veterans at all. The veterans returned here after having the measly \$30 a month extracted from them through payments to insurance funds and through the purchase of Liberty bonds. Just think of it! They were importuned during the war to subscribe to Liberty bonds. Not only were they asked and volunteered to go and defend the Nation, but they were importuned to finance their own undertaking.

Mr. TYDINGS. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maryland?

Mr. COUZENS. I yield.

Mr. TYDINGS. I should like to say to the Senator that during the Argonne, while men were actually in the lines, each division was given an allotment, and in each case it oversubscribed its allotment. The soldiers bought Liberty bonds during the fighting to such an extent that in many divisions orders were issued from headquarters prohibiting them from pledging more than a certain amount of their pay, because in many cases they had none left.

Mr. COUZENS. So, as a matter of fact, Mr. President, the testimony is adequate and conclusive that in the cases of millions of these men, when they approached the paymaster at the end of their month, there was not anything left for them. What they had been required to expend for Liberty loans and for insurance and other incidentals which they had had charged to them resulted in there being nothing left. That is evidenced by the fact that when these veterans returned it was necessary for the Government to provide them with a \$60 suit of clothes. When we accepted their voluntary service, or when we drafted them, we took away their civilian clothes and gave them uniforms. Then, when the boys came back they had no civilian clothes; so the Government said, "We will give you \$60 to buy a civilian suit"; and it was a mighty cheap suit that you could get for \$60 in those times.

So, referring to what was said by the Senator from Idaho, for whom I have great respect, and great respect for his conclusions, I wholly disagree with his statement that this was a bonus. During the war wages and salaries mounted to almost unheard-of figures.

When the men came back and had no civilian clothes to wear, they came in contact with their friends and associates whom they had left here when they went to the war, and found them with large salaries, and in many cases considerable savings. It was apparent to every one that the veterans had been so underpaid that it was the duty of Congress to do something in an effort to adjust the wages between those who remained at home and those who went abroad. So it was not a bonus; it was an adjustment of pay.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield further to the Senator from Idaho?

Mr. COUZENS. I do.

Mr. BORAH. The Senator would not be in favor of the Government loaning money from the Treasury of the United States to every one who needed money and had security; would he?

Mr. COUZENS. No; but this is a Government obligation. I am not talking about that. I submit that everybody who has bought a Liberty bond or everybody who has bought a certificate of indebtedness from the Federal Government, if he is prosperous enough, can go to a bank and arrange a

loan, because the sum is adequate so that it pays the banker to make the loan. In this case, however, the amounts are small, and there is a possibility of having to wait a long time for payment. These conditions are unattractive to the banker and to the loan shark, and therefore they do not want to engage in this sort of loaning. Therefore, in the interest of the veterans who did so much for us during the World War, it seems that the least we can do is to undertake to loan them their own money—money which they earned in 1917, 1918, and 1919—and not require them to go to the loan sharks to borrow their money.

Continuing, the report of the Committee on Ways and Means of the House of Representatives states:

The Treasury Department estimates that the potential cost of this legislation would be \$1,720,000,000. This estimate, of course, is based upon the assumption that the holders of the 3,397,973 certificates now in force would take full advantage of the loan value of their certificates.

It should, in fairness, be stated that there is some divergence of opinion as to the probable cost of this legislation, and estimates of the cost range from \$375,000,000 upward.

There is no way to determine accurately just what the cost will be, but the facts are that only about 48 per cent of the veterans eligible to borrow on their certificates have taken advantage of this right, and they have borrowed only about 43 per cent of the total amount available for that purpose.

If the veterans of our country have gone through the period of distress through which we have been passing in the past year and a half, with only 48 per cent of their number taking advantage of the loan feature of their adjusted-service certificates, it seems reasonable to assume that not more than 50 per cent will take advantage of the increased loaning value of their certificates under this bill.

This is borne out by the fact that while the borrowing value of all outstanding certificates for the year 1930—the worst period of distress and unemployment—was \$400,000,000, the veterans only borrowed \$90,000,000 during the year.

It would therefore seem that the greater number of the veterans holding adjusted-service certificates have a full realization of their real value at the end of the 20-year period.

I want to interject here that it is contended that these nearly 4,000,000 veterans are so incompetent, so unreliable that the Government must conserve for them until 1945 all interest they have in these certificates. It is stated that some of the boys, men now, the average age being about 38, can not be trusted with \$500.

O Mr. President, is that question raised when the Government pays interest on its indebtedness? Is that question raised by industry when it pays interest on its bonds? Is that question ever raised as to whether the Government shall reserve the right to dictate to millions of its citizens what they shall use their money for?

Suppose some of them do waste it; is not that also true of great wealth? Do we not have evidence every day of the abuse of great wealth? Do we not have exhibitions, disgusting in their manner to those who are less able, to those who are in distress, of the extravagances of wealth? Do we attempt to say in any manner how those people shall use their money? Yet we see editorial after editorial in the press saying that the veterans' interests must be conserved, that we must not give them money, that they may waste it. When did we become so paternalistic?

That is not what is back of that sort of argument. That is not the real reason for the opposition to this bonus bill. The real reason for the opposition is that those in authority do not want the money taken out of the Treasury; and, of course, they do not, under any circumstances, want to have the veterans coming back in 15 or 20 years, when they are decrepit and old, asking for more money. It is expected that this money, if it is conserved until 1945, will, as a matter of fact, preclude them coming back here for any more help if they should need it.

Whenever these men have been needed, whether it was in the Spanish-American War or in the World War, they were there to perform their service; and why, in turn, should we not see to it that the Government renders its service to them?

Following the report of the committee there is a letter in the report from the Secretary of the Treasury, addressed to the chairman of the Committee on Ways and Means, which I will not read, because all these matters have been

printed quite extensively in the press. Then there is a letter from the Administrator of Veterans' Affairs.

I will read just the concluding paragraph of that, because it sums up the whole situation that anybody's guess is as good as anybody else's as to the number of veterans who will apply. In other words, all we have as a guide is past experience and a guess as to what will happen in the future. In the concluding paragraph of the communication to the chairman of the Ways and Means Committee the administrator says:

The number of veterans who will avail themselves of an additional loan privilege is problematical, and the amount of cash funds necessary to give effect to this bill is necessarily dependent upon the number of applicants for these loans.

In other words, there is no use trying to guess. We can guess against the veterans or guess for the veterans. The higher we fix the amount the more difficult it will be to have the legislation enacted, and the lower we make it the easier. I have no desire at all to state a figure lower than what somebody else has stated, but whatever we do, there will be a guess about the outcome.

I think the bill has been fairly well explained, and there is no reason for the Senate not to understand it. In fact, the Senator from Indiana [Mr. WATSON] stated that there was inadequate knowledge and information before the country and before the Congress to determine this matter. Yet I find that there is a large volume on our desks, containing some 500 pages, showing that hearings were held in the committee of the House of Representatives on January 29, 30, and 31, and February 2, 3, 4, and 5.

So between now and to-morrow afternoon there will be opportunity for every Senator to inform himself, and so far as I am concerned, I hope there will be no delay in the Committee on Finance in reporting the bill out to-morrow noon, so that we can take it up at no later date than Thursday.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 5069. An act authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah*;

S. 5138. An act to amend the organic act of Porto Rico, approved March 2, 1917;

S. 5246. An act to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge, in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart";

S. 5314. An act to amend the Federal highway act;

S. 5456. An act to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

S. 5457. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21;

S. 5519. An act granting the consent of Congress to Louisville & Nashville R. R. Co. to construct, maintain, and operate a railroad bridge across the Tennessee River at or near Danville, Tenn.;

S. 5557. An act to amend the act of May 23, 1930 (46 Stat. 378);

S. 5688. An act granting the consent of Congress to the State of New Hampshire to construct, maintain, and operate a bridge or dike across Little Bay at or near Fox Point;

S. 5817. An act to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931; and

S. J. Res. 183. Joint resolution authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of

forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 4619. An act to authorize the disposition of effects of persons dying while subject to military law;

S. 5677. An act to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States; and

S. 5825. An act granting the consent of Congress to the State of California to construct, maintain, and operate a toll bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 3277. An act to provide against the withholding of pay when employees are removed for breach of contract to render faithful service;

S. 4636. An act to authorize the Secretary of War to resell the undisposed-of portion of Camp Taylor, Ky., approximately 328 acres, and to also authorize the appraisal of property disposed of under authority contained in the acts of Congress approved July 9, 1918, and July 11, 1919, and for other purposes; and

S. 5458. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7.

The message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.;

H. R. 10585. An act to amend section 9 of the trading with the enemy act;

H. R. 13566. An act to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes;

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain, and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.;

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman drainage district to construct, maintain, and operate a dam in Tallahatchie River;

H. R. 16159. An act authorizing an appropriation of the sum of \$15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931;

H. R. 16215. An act authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado;

H. R. 16248. An act authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge;

H. R. 16658. An act authorizing the erection of certain additional facilities at branches of the Bureau of National Homes;

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; and

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico.

The message further announced that the House had agreed to the following concurrent resolution (H. Con. Res. 47), in which it requested the concurrence of the Senate:

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill (H. R. 15876) entitled "An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes," for the purpose of permitting the correction of an error in the enrolled bill.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 8. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada;

S. 5613. An act for the relief of Commercial Loan & Trust Co., Monticello, Ark.;

H. R. 3394. An act to amend section 19 of the immigration act of 1917 by providing for the deportation of an alien convicted in violation of the Harrison narcotic law and amendments thereto;

H. R. 11968. An act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.; and

H. J. Res. 506. Joint resolution to amend the paragraphs relating to drought and/or storm or hail stricken areas as contained in the Interior Department appropriation act for the fiscal year 1932.

DISPOSITION OF USELESS PAPERS

The PRESIDENT pro tempore laid before the Senate a communication from the Director of Public Buildings and Public Parks of the National Capital, reporting, pursuant to law, relative to papers and documents on the files of that office which are not needed in the conduct of business and asking for action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments.

The PRESIDENT pro tempore appointed Mr. FESS and Mr. ASHURST members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following joint memorial of the Legislature of the State of

Montana, which was referred to the Committee on Immigration:

Senate Joint Memorial 1 to the Congress of the United States to enact stringent and immediate legislation prohibiting immigration to the United States for a period of five years and preventing discrimination in favor of aliens, thereby protecting the welfare and interests of the people of this country

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Twenty-second Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

That whereas, during this period of world-wide depression millions of willing, worthy, and able-bodied men and women, who are citizens of this country, are unable to secure employment owing to the universal curtailment of work in industrial, commercial, and producing lines; and

Whereas this world-wide condition has caused temporarily an enormous surplus of employees, most of whom are freeholders in this great Nation, and which condition is materially retarding the development of this country; and

Whereas frequently men who have been disabled in action in the defense of our great Nation are being displaced by aliens, which discrimination is a shameful disregard of the patriotic service rendered by these men who rallied to the defense of our Nation a few years ago; and

Whereas there is a growing tendency on the part of alien employers and heads of departments to discriminate in favor of their former countrymen and relatives in the filling of positions, and that this condition will continue owing to the world-wide depression now existing: Be it

Resolved, That it is the sense of the Twenty-second Legislative Assembly of the State of Montana that the Congress of the United States enact immediate and stringent legislation prohibiting further immigration to this country for a period of five years, and that legislation be enacted preventing discrimination in favor of aliens; and be it further

Resolved, That a copy of this memorial be forwarded by the secretary of state to the Senate and House of Representatives of the United States, to the Commissioner of Immigration, and to each of the Senators and Representatives of the State of Montana in Congress.

FRANK A. HAZELBAKER,
President of the Senate.
W. R. FLACHSENHAR,
Speaker of the House.

Approved February 12, 1931.

J. E. ERICKSON, Governor.

UNITED STATES OF AMERICA,

State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of Senate Joint Memorial No. 1, being "Memorial to the Congress of the United States to enact stringent and immediate legislation prohibiting immigration to the United States for a period of five years and preventing discrimination in favor of aliens, thereby protecting the welfare and interests of the people of this country," enacted by the Twenty-second Session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 12th day of February, 1931.

In testimony whereof, I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 13th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

The PRESIDENT pro tempore also laid before the Senate the following copy of a joint resolution of the Legislature of the State of Illinois, which was referred to the Committee on Finance:

STATE OF ILLINOIS,
FIFTY-SEVENTH GENERAL ASSEMBLY, 1931,
Senate.

Senate Joint Resolution 3

Whereas the young manhood of this country immediately responded to the call of our Government in doing its great work in the late World War, and in the face of death performed such valiant and heroic service as to bring credit to themselves and crown the American arms with glory and victory; and

Whereas these loyal and brave men, in making this world safe for democracy, gave up the benefits of home life and the opportunities of financial gain and now are in large numbers unemployed and in destitute circumstances; and

Whereas legislation is now pending in Congress to provide for the cash payment to veterans of the World War of the cash surrender value of their adjusted-compensation certificates issued under the World War adjusted compensation act; and

Whereas fairness and justice demand that our Government come to the aid of these veterans of the World War in their present distress: Now, therefore, be it

Resolved by the Senate of the Fifty-seventh General Assembly of the State of Illinois (the House of Representatives concurring herein), That the President of the United States and the Senate

and House of Representatives of the present Congress be memorialized to enact legislation to provide for the immediate cash payment to veterans of the World War of the cash-surrender value of their adjusted-compensation certificates issued under the World War adjusted compensation act; and be it further

Resolved, That a copy of this preamble and resolution be forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the present Congress, and to each Senator and Representative therein from the State of Illinois.

Adopted by the senate January 27, 1931.

FRED E. STERLING,
President of the Senate.
J. H. PADDOCK,
Secretary of the Senate.

Concurred in by the house of representatives January 28, 1931.

DAVID E. SHANAHAN,
Speaker of the House.
GEO. C. BLAEUER,
Clerk of the House.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of Iowa, which was referred to the Committee on Finance:

House Concurrent Resolution 11, memorializing the Congress of the United States to refrain from enacting a law placing a tariff or embargo on crude petroleum and the refined products thereof. (By Greene and Mayne)

Whereas the legislatures in certain petroleum-producing States have passed resolutions memorializing the Congress of the United States to enact a law placing a tariff or an embargo on petroleum and its refined products, claiming that such a measure is necessary as a relief measure to the industry in these States; and

Whereas Iowa's per capita consumption of gasoline is relatively high in the sisterhood of States, and the effect of a tariff, being to increase the cost of gasoline to the consumer, would only place an increased burden on our agricultural pursuits; and

Whereas such a law would place an additional burden on an already overtaxed industry, there being now collected as an excise tax on gasoline over \$450,000,000 annually, this being in addition to the general property and production tax on petroleum; and

Whereas such a tariff would place an additional burden of over \$350,000,000 to this burden, and would be borne by the owners of over 27,000,000 automobiles and trucks, and would be a benefit to comparatively few; and

Whereas only four or five States produce oil to any considerable extent, and their citizens comprise only a small portion of the population of the United States; and

Whereas petroleum and its refined products are necessary to carry on trade and commerce; and

Whereas the condition such as now exists in the petroleum industry is only temporary and is no more serious than conditions existing in other businesses; and

Whereas it has been the well-settled policy for the past decade, both by the petroleum producers and the Government to conserve our petroleum deposits; and

Whereas an embargo or tariff would have the effect of hastening the depletion of our petroleum and greatly endanger our future supply, jeopardizing our national defense in time of war, and placing a heavy burden on our future commerce in time of peace: Therefore be it

Resolved by the house (the senate concurring), That the President of the United States, and the Congress of the United States, be memorialized to refrain from the enacting of any laws imposing a tariff or an embargo on petroleum products or the refined products thereof; and be it further

Resolved, That a copy of this resolution, duly effected, be delivered to the President of the United States, to the United States Senate, and to the House of Representatives of the United States; and be it further

Resolved, That copies of this resolution be delivered to the press and to each Representative from Iowa in Congress.

I hereby certify that this resolution is a true and correct copy of the original known as House Concurrent Resolution No. 11, adopted by the House on February 9 and concurred in by the Senate on February 11, 1931.

Chief Clerk of the House, Forty-fourth General Assembly.

Dated February 14, 1931.

The PRESIDENT pro tempore also laid before the Senate the following resolution of the senate of the State of North Dakota, which was referred to the Committee on Indian Affairs:

DEPARTMENT OF STATE,
STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Robert Byrne, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the annexed copy of Senate Resolution D, Twenty-second Legislative Assembly, State of North Dakota, has been compared by me with the original resolution filed in this department, and that the same is a true copy thereof, and of the whole of such resolution.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State at the capitol in the city of Bismarck, this 11th day of February, A. D., 1931.
[SEAL.]

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

Senate Resolution D. (Stucke)

Be it resolved by the Senate of the State of North Dakota, that: Whereas the United States Court of Claims in Docket No. B-449 entitled "The Indians of the Fort Berthold Indian Reservation in the State of North Dakota, comprising the tribes known as the Arickarees, the Gros Ventres, and the Mandans, and the individual members thereof, versus the United States," has rendered final judgment in favor of the Fort Berthold Indians in the State of North Dakota; and

Whereas the Hon. LYNN J. FRAZIER, United States Senator from the State of North Dakota, has introduced in the Seventy-first Congress Joint Resolution 226 which provides for the authorization of the Secretary of the Interior to distribute the amount awarded the said Fort Berthold Indians in the judgment rendered by the Court of Claims of the United States; and

Whereas the Hon. J. H. SINCLAIR, representing the third congressional district of the State of North Dakota, has introduced in the House of Representatives of the United States Joint Resolution 454, dealing with the same subject; and

Whereas we deem it for the best interests of the Indians of the Fort Berthold Indian Reservation of the State of North Dakota that the Secretary of the Interior of the United States do withdraw from the Treasury of the United States funds on deposit arising from the said final judgments in accordance with the said joint resolutions: Therefore be it hereby

Resolved by the Senate of the State of North Dakota, That we most respectfully urge upon the Congress of the United States the early enactment of Senate Joint Resolution 226 and House Joint Resolution 454; and be it further

Resolved, That the secretary of state of the State of North Dakota be, and is hereby, authorized and instructed to forward a duly authenticated copy of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of North Dakota.

President of the Senate.

Secretary of the Senate.

Filed in this office this 10th day of February, 1931.

ROBERT BYRNE,
Secretary of State.
By CHARLES LIESSMAN,
Deputy.

The PRESIDENT pro tempore also laid before the Senate the following memorial of the Legislature of the State of Maine, which was referred to the Committee on Commerce:

STATE OF MAINE.

Memorial to the Congress of the United States, urging them to assist in excluding certain pulpwood from this country

Resolved, That whereas large quantities of Russian pulpwood produced by convict and conscript labor have recently been imported into the United States from Russia, depriving the people of the State of Maine of a market for their Maine-produced pulpwood, to the great injury of the citizens of Maine, and whereas if this importation continues further great harm will be done to a large number of the citizens of the State of Maine and vitally affect the prosperity of our people: Be it

Resolved by the Senate and House of Representatives of the State of Maine in legislature assembled, That we urge the Senators and Representatives of the Congress of the United States to do everything in their power to promptly exclude all Russian pulpwood or pulpwood products so produced from importation into this country; and be it further

Resolved, That copies of this resolution duly certified by the secretary of state be forwarded to the President of the Senate and to the Speaker of the House of Representatives at Washington and to the several Senators and Representatives from the State of Maine in the Congress of the United States.

IN SENATE CHAMBER, February 6, 1931.

Sent down for concurrence, read, and adopted.

ROYDEN V. BROWN, Secretary.

HOUSE OF REPRESENTATIVES.

Read and adopted in concurrence, February 6, 1931.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE,
OFFICE OF SECRETARY OF STATE.

I, Edgar C. Smith, secretary of state of the State of Maine, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of the memorial to the Congress of the United States of the Senate and House of Representatives of the State of Maine in legislature assembled with the original thereof, and that it is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have caused the seal of the State to be hereunto affixed. Given under my hand at Augusta this 6th day of February, A. D. 1931, and in the one hundred and fifty-fifth year of the independence of the United States of America.

[SEAL.] EDGAR C. SMITH,
Secretary of State.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Commerce:

STATE OF NEW YORK,
IN SENATE,
Albany, February 2, 1931.

Concurrent resolution urging the Congress of the United States of America to authorize the United States Shipping Board to sell to the Port of New York Authority the property in the port of New York district commonly known as the Hoboken Pier Properties. (By Mr. Hofstadter)

Whereas shortly after the declaration of war against the Imperial German Government on April 6, 1917, the United States of America seized as enemy-owner properties certain docks, piers, warehouses, wharves, and terminal equipment and facilities located within the port of New York district as defined in the port compact between the States of New York and New Jersey, dated April 30, 1921, and belonging to the North German Lloyd Dock Co. and the Hamburg-American Line Terminal & Navigation Co., and has expropriated title thereto; and

Whereas the said properties have since been operated by various agencies of the United States Government and are now being operated by the United States Shipping Board; and

Whereas by Public Resolution No. 146, Seventy-first Congress, authorizing the United States Shipping Board to sell the said properties to citizens of the United States, the Congress of the United States has adopted a policy that the properties shall no longer be operated by the United States but shall not pass into the control of aliens; and

Whereas since the acquisition of the said properties, as aforesaid, by the United States of America neither the United States of America nor any agency thereof in charge of the operation of said properties has paid any taxes thereon either to the State of New Jersey or to the city of Hoboken and the State, and city have therefore suffered serious losses in revenues; and

Whereas the Port of New York Authority, a body corporate and politic created by compact between the States of New York and New Jersey with the consent of Congress, is willing to acquire the said properties for the sum of \$4,282,000, and is willing to pay 30 per cent of the said purchase price in cash and to pay the balance by its bond and mortgage running for a period of 15 years and bearing interest at a rate not lower than the lowest current yield on any interest-bearing obligation of the United States issued subsequent to April 6, 1917 (except postal-savings bonds and short-term Treasury notes), outstanding at the time the sale is consummated; and

Whereas in the opinion of the Legislature of the State of New York the operation of the said properties by the Port of New York Authority as a marine terminal will be in the best interests of the port of New York district, the people of the States of New York and New Jersey, and the people of the United States of America; and

Whereas, by the said port compact, the States of New York and New Jersey have agreed to and pledged both each to the other faithful cooperation in the future planning and development of the port of New York, holding in high trust for the benefit of the Nation special blessings and natural advantages thereof, and are in fact cooperating in the development of the port of New York in various ways: Now, therefore, be it

Resolved (if the assembly concur), (1) That the Congress of the United States be, and it hereby is, respectfully urged to adopt a joint resolution and/or enact appropriate legislation at the earliest practicable date authorizing and directing the United States Shipping Board to sell to the Port of New York Authority, in accordance with the foregoing plan, all those certain properties situated in the city of Hoboken, State of New Jersey, commonly known as the Hoboken pier properties, consisting of docks, piers, warehouses, wharves, and terminal equipment and facilities, including all leaseholds, easements, rights of way, riparian rights and other rights, estates and interest therein or appurtenant thereto, which were acquired by the proclamation of the President of the United States, under the provisions of an act of Congress, entitled "An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes," approved March 28, 1918, and acts amendatory thereof and supplemental thereto.

(2) That in addition to the official notification of the passage of this resolution, the secretary of state furnish certified copies of this resolution to each of the following officials of the United States: The President, the Vice President, the Secretary of the Senate, the Speaker of the House of Representatives, the two United States Senators from New Jersey, the several Representatives in Congress from this State, the chairman of the United States Shipping Board, the chairman of the Commerce Committee of the United States Senate, and the chairman of the Com-

mittee on Merchant Marine and Fisheries of the House of Representatives.

By order of the senate.

_____, Clerk.

In assembly, February 2, 1931. Concurred in without amendment, by order of the assembly.

FRED W. HAMMOND, Clerk.

STATE OF NEW YORK,
Department of State, ss:

I have compared the preceding copy of concurrent resolution with the original resolution on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole thereof.

Given under my hand and the official seal of the department of state, at the city of Albany, this 4th day of February, 1931.

[SEAL.]

GRACE A. REAVY,

Deputy Secretary of State.

Indorsed: Filed February 4, 1931.

EDWARD J. FLYNN,

Secretary of State.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Military Affairs:

THE ONE HUNDRED AND FIFTY-FIFTH LEGISLATURE
OF THE STATE OF NEW JERSEY.
SENATE OF NEW JERSEY.

Senate concurrent resolution introduced and adopted by the senate February 2, 1931, and concurred in by the house of assembly February 2, 1931, memorializing Congress to appropriate sufficient funds to carry out the training of the Organized Reserve for the fiscal year 1932

Whereas the platforms of the two great political parties of this Nation advocate the maintenance of an adequate system of national defense; and

Whereas the people of New Jersey have ever been in the front rank when the safety of this Nation has been endangered; and

Whereas the Organized Reserve will, in case of a national emergency, constitute by far the largest component of the Army of the United States, and should, therefore, receive proper training and equipment; and

Whereas the Reserve Officers Association of the United States, a patriotic body of citizens, of whom the great majority have had active service in the Army of the United States during the late war, have requested the Committees on Appropriations of the House of Representatives and the Senate of the Congress of the United States to appropriate sufficient funds to carry out the training of the Organized Reserve for the fiscal year 1931: Then be it

Resolved by the Senate of the State of New Jersey (the House of Assembly concurring), That the Congress be, and it hereby is, requested to appropriate sufficient funds to carry out the provisions of the national defense act of 1920 and its accompanying legislation so that the program of the War Department may be effectively carried out; be it further

Resolved, That the secretary of the senate is hereby instructed to forward certified copies of this resolution, signed by the president and secretary of the senate and the speaker and clerk of the house to the following: The President of the United States, the United States Senate, the House of Representatives, the Senators and Members of Congress from the State of New Jersey.

_____,
President of Senate.

_____,
Speaker House of Assembly.

I hereby certify that the above is a true and official copy of the resolution adopted by the senate on February 2, 1931, and concurred in by the house of assembly February 2, 1931.

_____,
Secretary of the Senate.

_____,
Clerk House of Assembly.

The PRESIDENT pro tempore also laid before the Senate a telegram from the speaker of the House of Representatives of Porto Rico, which was referred to the Committee on Territories and Insular Affairs and ordered to be printed in the RECORD, as follows:

SAN JUAN, P. R., February 13, 1931.

The PRESIDENT OF THE SENATE,
Washington, D. C.:

House of Representatives of Porto Rico resolved to express to that high body its deepest acknowledgment for approval of bills extending vocational education and rehabilitation laws to Porto Rico and for creation of departments of labor and of agriculture and commerce, necessary to promote the general welfare of the island.

MANUEL F. ROSSY, Speaker.

The PRESIDENT pro tempore also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, favoring the passage of legislation reimbursing World War veterans for all premiums paid by them on war-risk

insurance, which was referred to the Committee on Finance. (See joint resolution printed in full when presented on February 13, 1931, by Mr. LA FOLLETTE, p. 4776 of the CONGRESSIONAL RECORD.)

He also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, protesting against the ruling permitting oleomargarine and similar butter substitutes to be colored like butter through the use of palm oil without making these products subject to the 10-cent tax on colored oleomargarine, etc., which was referred to the Committee on Agriculture and Forestry. (See joint resolution printed in full when presented by Mr. LA FOLLETTE on February 13, 1931, p. 4776 of the CONGRESSIONAL RECORD.)

He also laid before the Senate resolutions adopted by the National Republican Club, of New York City, N. Y., opposing the calling of a Federal constitutional convention at this time, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Goodyear Industrial Assembly, at Akron, Ohio, favoring the immediate payment in full of adjusted-compensation certificates of ex-service men, which were referred to the Committee on Finance.

He also laid before the Senate resolutions adopted at a meeting of the Maryland Chapter, Rainbow Division Veterans, favoring the passage of legislation to amend the act of 1924 to permit the Veterans' Bureau to antedate veterans' certificates to a date five years prior to the present date of such certificates and providing for the maturity of certificates at 20 years from the new date thereof, thus allowing an immediate increased loan value to the veterans, which were referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Topeka (Kans.) Milk Producers' Association (Inc.), favoring the passage of legislation placing a 10-cent tax on oleomargarine and other butter substitutes, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a resolution adopted by the International Society of Master Painters and Decorators, at Memphis, Tenn., opposing the methods employed by the Government in letting contracts on public works, and alleging that a "racket" is being worked in connection therewith, which was referred to the Committee on Education and Labor.

He also laid before the Senate resolutions adopted by the Allied States Association of Motion Picture Exhibitors, composed of independent motion-picture theater owners of the United States, adopted at the national convention at Chicago, Ill., favoring amendment of House bill 12549, known as the Vestal copyright bill, so as to forbid the collection from theater owners of a music tax for the playing in their theaters of copyrighted music recorded on motion-picture films or on disks synchronized with such films, which were referred to the Committee on Patents.

He also laid before the Senate a resolution adopted by the Union of American Hebrew Congregations at its biennial council held in Philadelphia, Pa., protesting against the passage of House bill 16036, the so-called Cable bill, as being un-American and as changing the administration of the criminal laws of the country and injurious to the best interests of the immigrant population, etc., which was referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the Union of American Hebrew Congregations at its biennial council held in Philadelphia, Pa., favoring the prompt ratification of the World Court protocols, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the Union of American Hebrew Congregations at its biennial council held in Philadelphia, Pa., indorsing the outlawry of war and the pacific settlement of all international disputes, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented petitions of members of the College Club and sundry citizens of Baltimore, Md., praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

Mr. SHEPPARD presented the petition of Mrs. L. O. Tucker and other ladies, being citizens of Beaumont, Tex., praying for the ratification of the World Court protocols this winter or spring, which was referred to the Committee on Foreign Relations.

Mr. GOLDSBOROUGH presented petitions numerous signed by sundry citizens of the State of Maryland, praying for the prompt ratification of the World Court protocols, which were referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the St. Agnes Reading Circle, of Baltimore, Md., protesting against the passage of the so-called birth control bill, being the bill (S. 4582) to amend section 305 (a) of the tariff act of 1922, as amended, and sections 211, 245, and 312 of the Criminal Code, as amended, which was referred to the Committee on the Judiciary.

Mr. COPELAND presented the following concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Foreign Relations:

STATE OF NEW YORK,
IN SENATE,
Albany, February 9, 1931.

By Mr. Thayer

Whereas engineering authorities in Canada and the United States, acting both as joint boards and severally, have declared repeatedly that the international rapids section (48 miles) of the St. Lawrence River, extending from Ogdensburg to the forty-fifth parallel (opposite Cornwall, Ontario), where the river ceases to form the boundary line between the two countries, must, for economic reasons, be developed for navigation and power jointly; and

Whereas no development of this section of the river can be undertaken by any agency in either country without an agreement or treaty appropriate thereto having first been entered into between Canada and the United States, the paramount concern of which will be to create a through navigation route; and

Whereas the landlocked interior of the United States is deeply concerned and in urgent need of the relief which would accrue to that area by the opening of a seaway via the St. Lawrence River from the Great Lakes to the Atlantic Ocean; also the citizens of New York are directly interested in the improvement and early utilization of the large reservoir of cheap power which would be made available, legislative expression being given to such improvement in section 6, chapter 207, Laws of New York, 1930, to wit, "in such manner and under such conditions as shall insure fair and impartial treatment of consumers on a basis of charges the lowest compatible with a fair and reasonable return on the cost thereof"; and

Whereas the need exists for a formula or plan that will effect the development of this section of the river for navigation and power jointly at the earliest possible date by employing the most practical, the most expeditious, and best agency or agencies for that purpose to meet the serious transportation needs of the mid-continental areas and secure to the State of New York control and utilization of the flowing water; and

Whereas, because the entire flow of the river must always remain under the joint control of Canada and the United States for the protection of navigation, the traditional and unbroken policy of both Governments has been to construct, own, and control all permanent works in the entire length of this international transportation highway from the head of the Great Lakes to the sea; and

Whereas the construction by the Federal Government of concrete dams across the river, with adequate provision for navigation, is not necessarily in conflict with the right of the State of New York to the use and control of the falling water for the purposes either of construction of power houses, installation of machinery, and production of power at the switchboard, to be disposed of under a State power authority, or leasing the water for such purpose to such agency or agencies as it may elect; and

Whereas the Federal Governments of both Canada and the United States—through a joint board of engineers—having already agreed upon engineering plans providing for both navigation and the maximum utilization of the power potentialities, could proceed with construction immediately upon ratification of a treaty and could practically complete the works in a not greater period of time than would be required for the State of New York to procure the necessary authority, complete its engineering plans, and reach an understanding with the Province of Ontario; and

Whereas under the plans agreed upon by the joint board of engineers, the Canadian power house for the Canadian one-half of the power is placed in Canadian territory, while the power house for the United States one-half of the flow is placed in United States territory, this permitting the erection of power houses and installation of machinery in each country by such agency as may be entitled thereto—which in Canada would be the Ontario Hydro-electric Commission and in the United States—predictably the State of New York, either under priority of right granted it by the Federal water power act or otherwise: Therefore be it

Resolved by the Senate of the State of New York (the Assembly concurring), That the President of the United States be appro-

priately memorialized to proceed forthwith to a treaty with Canada for the development of the international rapids section of the St. Lawrence River at the earliest possible date and in accordance with the plans agreed upon by the joint board of engineers and submitted to President Coolidge December 27, 1926 (S. Doc. No. 183, 69th Cong., 2d sess.), or such amendment to or changes in said plans as may be subsequently adopted by such joint board; be it further

Resolved, That the Governments of the United States and Canada proceed to construct the dam or dams and navigation works, along the general lines of assignment of tasks and division of costs—outlined in the correspondence between the two countries—but not the power-house superstructures or installation of power machinery; reserving nevertheless to the State of New York priority of right to the flow of the river—in excess of that required for navigation—for the development of power, subject to international control and/or regulation of the entire flow in the interest of navigation; and further subject to reimbursement by the State of New York for such just proportion of the expenditures by the Federal Government as its dam or dams may have contributed to the production of power.

Mr. SHEPPARD presented the following concurrent resolution of the Legislature of the State of Texas, which was referred to the Committee on Finance:

House concurrent resolution

Whereas our country is faced with the greatest unemployment crisis that it has undergone in its history; and

Whereas among the millions of unemployed are many veterans of the World War who served in the Army, Navy, and marine forces for approximately a dollar a day while many others were drawing high wages, and others were making great profits from the sale of war material; and

Whereas there was passed by the National Congress a bill giving such veterans an insurance policy payable in 20 years, the amount conditioned on the length of their service; and

Whereas there are measures pending in the National Congress to pay those policies in cash or to issue negotiable bonds that could be cashed by the holders of these policies; and

Whereas such measures would greatly relieve the distressed conditions of a large number of veterans and would tend to greatly improve the economic condition of our country by placing more money in circulation: Therefore be it

Resolved by the House of Representatives of the State of Texas (the Senate concurring), That we indorse and ask the passage by the Congress of the United States of such measures as will secure for the veterans of the World War the payment of their insurance policies in cash at face value at the earliest possible time; be it further

Resolved, That a copy of this resolution be sent to each Member of the House of Representatives and each Senator from Texas in the Congress of the United States.

President pro tempore of the Senate.

BOB BARKER,

Secretary of the Senate.

FRED H. MUIOT,

Speaker of the House.

LOUISE SNOW PHINNEY,

Chief Clerk of the House.

Mr. WALSH of Montana presented the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Senate Joint Memorial 3, memorializing Congress to enact a tariff on oil and its refined products, and to provide further relief for the oil industry

Whereas business of practically every kind, not only in the State of Montana, but throughout the entire country, has been directly affected by the depressed condition of the oil industry, and especially during recent months; and

Whereas the unrestrained and excessive importation of foreign oils is the principal cause of the industry's present plight; and

Whereas for the last five years Montana has received an income of over \$750,000 per year from taxes, rentals, and royalties from its crude oil production, and it is apparent that this revenue will be very seriously depleted; and

Whereas banking, transportation, manufacturing, and practically every other type of business has been adversely affected by the present depressed condition of the oil industry; and

Whereas the general unemployment situation has been very materially aggravated by the oil field and oil office workers, now out of employment because of this glutting of our markets by cheaply produced foreign oils, imported duty free: Now, therefore, be it

Resolved by the Senate of the State of Montana (the House of Representatives concurring therein), That the Congress of the United States be, and it is hereby, memorialized to afford relief to the distressed oil industry, and through that great industry, to the Nation, generally, by immediately placing an embargo on imported petroleum and its refined products, and follow this action by an adequate protective tariff on said commodities, and by applying such further legislative relief as is necessary and proper; and be it further

Resolved, That a copy of this memorial be forwarded, by the secretary of the State of Montana, to the Senate and House of

Representatives of the United States, and to each of the Senators and Representatives of the State of Montana in Congress.

FRANK A. HAZELBAKER,
President of the Senate.
W. R. FLACHSENHAR,
Speaker of the House.

Approved February 12, 1931.

J. E. ERICKSON, Governor.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, W. E. Harmon, secretary of state of the State of Montana, do hereby certify that the foregoing is a true and correct copy of Senate Joint Memorial No. 3, being "A joint resolution memorializing Congress to enact a tariff on oil and its refined products, and to provide further relief for the oil industry" enacted by the Twenty-second Session of the Legislative Assembly of the State of Montana, and approved by J. E. Erickson, governor of said State, on the 12th day of February, 1931.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 14th day of February, A. D. 1931.

[SEAL.]

W. E. HARMON,
Secretary of State.

BIRTH CONTROL

Mr. WALSH of Montana presented letters and a telegram in the nature of memorials, which were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

HINGHAM, MONT., February 7, 1931.

HON. THOS. J. WALSH,
Senate Office Building, Washington, D. C.

DEAR SIR: We, the Catholic Ladies Club of Hingham, a representative group of this community, having received information concerning Senate bill 4582, to amend tariff act (1930) and penal code to permit importation, distribution, and sale of contraceptive literature and instruments, do hereby protest against the passing of such a bill as pernicious and deleterious to and debasing of the standard of morality we deem worthy of our civilization.

We respectfully submit this protest to your attention and beg of you to have it printed in the CONGRESSIONAL RECORD.

Sincerely yours,

Mrs. O. L. JONES,
Secretary Catholic Ladies Club, Hingham, Mont.

INVERNESS, MONT., February 6, 1931.

HON. T. J. WALSH,
Senator from Montana, Washington, D. C.

DEAR SENATOR WALSH: The ladies of the Catholic Club of Inverness, a representative group of the community, having had knowledge of the bill (S. 4582) to amend the tariff act of 1930 and the penal code so as to allow the importation and distribution of contraceptive literature and instruments, do hereby protest to you against the passage of such a bill (introduced by Mr. GILLET, of Massachusetts), and respectfully submit this protest, so that it may be embodied in the CONGRESSIONAL RECORD.

Yours truly,

CATHOLIC LADIES CLUB,
By Mrs. O. H. HIGHTOWER.

LADIES CATHOLIC BENEVOLENT ASSOCIATION,
Helena, Mont., February 7, 1931.

HON. THOS. J. WALSH,
United States Senator, Washington, D. C.

HONORABLE SIR: The members of St. Helena's Branch of the Ladies Catholic Benevolent Association hereby protest against the passage of Senate bill No. 4582, introduced by Senator GILLET, of Massachusetts, to amend tariff act (1930) and Penal Code to permit the importation, distribution, and sale of contraceptive literature and instruments.

We believe that the passage of this act would increase the danger to public health and morals of our young people and it would be a disgrace to the high moral standards heretofore held by our great United States.

Please have this protest printed in the CONGRESSIONAL RECORD.

Respectfully,

LUCIA M. STOCKING, President.
MAYME MURRAY, Secretary.

COTTONWOOD, MONT., February 8, 1931.

Senator WALSH,
Washington, D. C.

DEAR SIR: We, the Catholic Parish of Cottonwood, Mont., composed of 34 families, having received notice of the proposed bill intended to amend the tariff bill (1930) and the Penal Code in order to allow the free importation and distribution of contraceptive literature and instruments, do hereby protest against the passage of such a bill. We respectfully submit this protest to your attention and beg of you to have it embodied in the CONGRESSIONAL RECORD.

THE ST. JOHN'S CONGREGATION OF COTTONWOOD, MONT.,
By Mrs. PAUL JACOBY, Secretary.

DILLON, MONT., February 12, 1931.

HON. THOMAS J. WALSH,
Senate Office Building, Washington, D. C.:

National Council Catholic Women protest passage of Senate bill 4582 for amendment of tariff act and Penal Code. Embody this protest in report at hearing February 13. Print protest in CONGRESSIONAL RECORD.

ST. ROSE COUNCIL.

ADVANCES TO THE RECLAMATION FUND

Mr. JONES. I present a memorial of the Senate and House of Representatives of the State of Washington, urging the passage of Senate bill 6046, to authorize advances to the reclamation fund, and for other purposes. The bill has already passed the Senate and I ask that the memorial be referred to the Committee on Irrigation and Reclamation and printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Irrigation and Reclamation and ordered to be printed in the RECORD, as follows:

Senate memorial relating to Senate bill 6046 of the Seventy-first Congress, second session

We, your memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition, as follows:

Whereas Congress has authorized and appropriated funds for the construction of the Cle Elum Dam to store water for irrigation of the Yakima project in this State; and

Whereas the Yakima project, embracing some three hundred thousand acres of productive farm lands, is threatened with a very serious water shortage this year and every succeeding year until water storage in Lake Cle Elum is available; and

Whereas the crop production of the Yakima Valley is a matter of vital economic importance to the whole State; and

Whereas it appears that due to unexpected stringency in the Federal reclamation fund the contract for construction of the Cle Elum Dam can not be let until the reclamation fund is substantially replenished; and

Whereas Senate bill 6046 of the Seventy-first Congress, second session, designed to relieve such districts, has already passed the United States Senate and is now pending in the House of Representatives:

Now, therefore, the Legislature of the State of Washington respectfully petitions the Congress of the United States to enact said bill into law at its present session; be it further

Resolved, That this memorial be immediately forwarded to the House of Representatives of Congress and to the Representatives in Congress from the State of Washington.

And your memorialists will ever pray.

LOAN BASIS OF ADJUSTED-SERVICE CERTIFICATES

Mr. WAGNER presented a telegram signed by Frank Peer Beal, chairman civics committee, Advertising Men's Post, No. 209, American Legion, of New York, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

New York, N. Y., February 16, 1931.

HON. ROBERT F. WAGNER,
Senate, Washington, D. C.:

Whereas the Advertising Men's Post, No. 209, of the American Legion, has made an exhaustive study of economic conditions affecting World War veterans; and

Whereas, as a result of their investigations, the Advertising Men's Post, on December 29, 1930, last, passed a resolution recommending that the loan value of the soldiers' adjusted-bonus certificates be increased to 50 per cent of their face value and that these loans be made by the Government at a rate of interest not to exceed 4 per cent; and

Whereas legislation conforming very closely to the recommendations made by our post has been recommended by the Ways and Means Committee of the House by a vote of 17 to 4; and

Whereas the financial stability of the program recommended by our post has had the indorsement of such a sound practical banker as Owen D. Young, chairman of the board of the General Electric Corporation; and

Whereas the principal objection to the plan for increasing the loan value of the adjusted-bonus policies seems to emanate from certain limited groups; and

Whereas in the opinion of the members of the Advertising Men's Post these individuals by temperament, character, and training are not qualified to visualize the economic situation confronting many thousands of World War veterans; and

Whereas during the period in which these veterans were serving their Government for a compensation of less than \$40 per month and in many cases being subjected to harrowing personal small experiences which shattered both their nervous and physical resistance these prejudiced groups were enjoying the commercial benefits of a vastly expanded war business: Therefore be it

Resolved, That the members of the Advertising Men's Post, No. 209, of the American Legion, respectfully recommend to the

President, to the Senators, and the Members of the House of Representatives, elected representatives of the people of the United States, that the dictates of humanity and the brotherhood of mankind, fundamentals upon which our country was founded, be permitted to rise superior to the advice and recommendations of individuals who are at least under suspicion of having profited materially from the sacrifices of millions of their fellow men; and be it further

Resolved, That this recommendation of the Advertising Men's Post of the American Legion be given the widest publicity through the medium of the columns of the public press and by direct transmittal to the responsible elected officials of our Nation in whose hands rest the responsibility of providing renewed hope, renewed energy, and renewed ambition to many millions of American citizens.

FRANK PEER BEAL,
Chairman Civics Committee,
Advertising Men's Post, No. 209, American Legion.

MIDDLE WEST FOREIGN TRADE AND MERCHANT MARINE CONFERENCE

Mr. ROBINSON of Indiana. Mr. President, on October 27 and 28, last year, the Middle West Foreign Trade Committee, in cooperation with various chamber of commerce traffic clubs, and so forth, held its Tenth Annual Middle West Foreign Trade and Merchant Marine Conference at Indianapolis, Ind.

Resolutions were adopted at that time, copies of which have been furnished me, together with a request that they be incorporated in the RECORD. I therefore send a copy of same to the desk and ask unanimous consent that they be inserted in the RECORD and be referred to the appropriate committee.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Tenth Annual Middle West Foreign Trade and Merchant Marine Conference, auspices of the Middle West Foreign Trade Committee, in cooperation with Indianapolis Chamber of Commerce, Indiana World Trade Club, Indianapolis Credit Men's Association, Indiana State Chamber of Commerce, Indiana Manufacturers' Association, Indianapolis Board of Trade, Indianapolis Traffic Club, Indianapolis Advertising Club, Bureau of Foreign and Domestic Commerce, Indianapolis, Ind., October 27 and 28, 1930

PURPOSE OF THE CONFERENCE

The Middle West Foreign Trade and Merchant Marine Conference is held annually under the auspices of the Middle West Foreign Trade Committee for a full and free discussion of the problems affecting our foreign trade and in an effort to contribute something to the development of this foreign trade. This conference is made up of manufacturers and farmers, exporters and importers, and others determined that the Middle West shall participate to the fullest extent and upon equality of opportunity in the foreign trade of our Nation.

The Middle West is on the average approximately 1,000 miles more distant from the sea than any nation with which we compete and in point of freight costs our own seaboard markets are nearer to foreign markets than most of the Middle West territory. For these reasons we are vitally concerned with the problem of transportation, both inland and ocean, in order to reach our foreign markets.

The Middle West Foreign Trade Committee and affiliated organizations seek at all times and through all proper means to carry out the plans and policies approved at those annual conferences and the membership of these organizations is extensive throughout the Middle West and Mississippi Valley, including some Southern and Northwestern States.

INLAND TRANSPORTATION

We favor the maintenance of railroad rates and service on foreign commerce between the Middle West and the ports on a basis to make all outlets available on fair and equitable terms to the shippers and the transportation companies.

The inland waterways of our country, particularly in the Middle West and Mississippi Valley, are of great benefit to our people engaged in foreign trade, and we urge the continuance of the constructive work being carried on by the Government on this form of transportation.

The Middle West Foreign Trade Committee being a representative foreign-trade organization sponsoring the interest of the entire Middle West and Mississippi Valley, naturally has definite interest in all means of transportation, including inland waterways, and it has in the past and still continues to offer its fullest and most complete cooperation with the Mississippi Valley Association, the Ohio Valley Improvement Association, and other organizations in this territory looking to the development and completion of inland waterway projects.

OCEAN TRANSPORTATION

The maintenance of regular and dependable ocean services under the American flag from the Atlantic, Gulf, and Pacific ports is indispensable to our commerce and to the national defense.

We commend the splendid work done by the United States Shipping Board and Merchant Fleet Corporation in developing

these services and gradually transferring them to the local private companies who have the support of the domestic communities primarily interested in the services, in full accord with the letter and spirit of our merchant marine laws. We feel it is in the public interest to dispose of these lines as rapidly as conditions warrant to the local private companies and that these lines should be given preference in the award of mail contracts under the provisions of the merchant marine act, 1928, which is being constructively administered by the Postmaster General and the Shipping Board.

The policy of selling the established Government lines to the private companies operating them for the Government is sound, in harmony with the law and the best interests of the communities, and should be continued. These companies possess the experience, good will, and support necessary for successful ownership and operation of the services.

The Shipping Board and Merchant Fleet Corporation are constantly effecting improvements and economies in the operation of the governmental lines without curtailing the essential service rendered our shippers. The annual appropriation for these governmental agencies has come down from fifty millions in 1921 to four millions for the current year, a splendid achievement. We favor the continued maintenance of the Government lines by the Shipping Board and Merchant Fleet Corporation until they can be successfully transferred to the operating companies.

LEGISLATION

To insure that these lines which have been developed and maintained at public expense shall be given the aid to which they are entitled we strongly favor the prompt enactment by the Congress of the bill known as H. R. 9592, which has passed the House of Representatives and which is now before the Senate of the United States. This bill provides that where a mail route is established between ports served by a line established and sold by the Government, the mail contract shall be awarded to such line.

We also indorse and urge the passage of bill known as H. R. 8361, which has passed the House of Representatives and is now before the Senate. This bill provides that no mail contract shall be awarded to a company operating foreign-flag ships in competition with American-flag ships. No one can successfully argue that American money should be given either directly or indirectly to aid the operation of foreign-flag ships in competition with our own ships.

INDUSTRIAL COMPANIES

We are strongly opposed to any of our essential ocean services being owned or controlled by industrial companies which are primarily interested in the transportation of their own products. We believe that in the public interest these lines should be owned and operated by companies which will make their space available to all shippers on equal terms. It has been demonstrated time and again that industrial companies owning steamship lines naturally give first consideration to their own products upon their vessels and exercise a dominant influence in the making of freight rates to be applied on their own products as well as those of their competitors.

MONOPOLIES

We are likewise opposed to any grouping of ocean lines in a manner tending to establish a monopoly and to discriminate against any port or section of our country or to curtail essential service. To reach foreign markets we must have the benefit of the largest number of available outlets and adequate service, and it is of great benefit to inland transportation, car supply, and distribution to utilize all available ports and steamship services.

SUPPORT OF AMERICAN SHIPS

It is obvious that the surest way of maintaining an adequate and efficient American merchant marine is to support to the fullest extent, and we urge our people everywhere to ship their goods on vessels flying the American flag. We cheerfully support the granting of reasonable aids by our Government to develop and maintain our merchant marine in foreign trade, and we should likewise cheerfully support the operators of these ships in their efforts to successfully meet the formidable competition of foreign-flag ships.

FEDERAL FARM BOARD

We believe that in making loans to the cooperative-marketing associations the Federal Farm Board should insist that these associations ship their products, so far as possible, on vessels flying the American flag. The board is constructively striving to help producers market their products, and we feel it can do further good work urging the use of American-flag ships.

PARCEL POST—CUBA

We note with approval the signing recently by the Postmaster General of a parcel-post convention with Cuba and express the hope this may result in a large increase of business with Cuba.

AIR MAIL SERVICE

We note with approval the constructive development and expansion of our air services and favor a liberal policy toward the further building up of these services.

The development of adequate air mail service between the United States and the countries to the south of us is of great importance to the expansion of the foreign trade of the United States. The United States Post Office Department has in this connection a fine opportunity to render valuable service to the American people by exercising care in the letting of air mail contracts, by avoiding undue delays which would give competing nations the opportunity to outstrip us, and by stimulating every activity which would increase the efficiency of the service.

We urge that the United States Post Office Department continue to give thorough attention to the perfecting of a complete and adequate system of air mail transportation between the United States and the countries of Central and South America, the West Indies, and Mexico.

THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE

We heartily commend the United States Bureau of Foreign and Domestic Commerce for the practical and effective work which it is rendering at home and abroad in promoting the export trade of this country.

Resolved, That a vote of thanks and appreciation be extended to Malcolm M. Stewart for the energy he has shown in the office of chairman during the past 10 years and that he be continued as chairman.

EDW. B. POLLISTER,
M. L. BURGESS,
ROBT. S. ALTER,
F. J. DYER,
W. J. SMITH,
H. G. MOEBUS,
C. G. DUNPHY,
ROYAL L. GARD,
Committee on Resolutions.

REPORTS OF COMMITTEES

Mr. CAREY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 6160) to remove certain restrictions on the expenditure of funds on the distribution system, Pilot Butte division, Riverton reclamation project, Wyoming, reported it without amendment.

Mr. STEPHENS, from the Committee on the Judiciary, to which was referred the bill (S. 5025) to amend section 126 of the Judicial Code, as amended, reported it without amendment and submitted a report (No. 1639) thereon.

Mr. GOULD, from the Committee on Immigration, to which was referred the bill (S. 6172) to expedite the deportation of certain aliens, and for other purposes, reported it without amendment and submitted a report (No. 1640) thereon.

Mr. CARAWAY, from the Committee on Claims, to which was referred the bill (S. 1617) for the relief of Abraham Green, reported it without amendment and submitted a report (No. 1641) thereon.

ENROLLED BILLS PRESENTED

Mr. PARTRIDGE, from the Committee on Enrolled Bills, reported that on to-day, February 17, 1931, that committee presented to the President of the United States the following enrolled bills:

S. 8. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada; and

S. 5613. An act for the relief of Commercial Loan & Trust Co., Monticello, Ark.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, reported without amendment Executive K, being a convention between the United States of America and His Majesty the King of Great Britain, Ireland, and the British Dominions Beyond the Seas, Emperor of India, in respect of the Dominion of Canada, concluded at Ottawa on May 9, 1930, for the purpose of securing the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, and intended to supplant the convention signed on March 2, 1923, having the same object, which was placed on the Executive Calendar.

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations, which were placed on the Executive Calendar.

Mr. HALE, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers in the Navy and in the Marine Corps, which were placed on the Executive Calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMAS of Oklahoma:

A bill (S. 6175) authorizing the District Court of the United States for the Eastern District of Oklahoma to hear

and determine certain claims of the Seminole Nation or Tribe of Indians; to the Committee on the Judiciary.

By Mr. BRATTON:

A bill (S. 6176) granting an increase of pension to Jennie Cooney; to the Committee on Pensions.

By Mr. METCALF:

A bill (S. 6177) granting an increase of pension to Sally A. I. Francis (with accompanying papers); to the Committee on Pensions.

By Mr. BINGHAM:

A bill (S. 6178) to regulate the use and sale of wood alcohol; to the Committee on the Judiciary.

By Mr. HAWES and Mr. PATTERSON:

A bill (S. 6179) to legalize a bridge across the St. Francis River one-fourth mile south of Greenville, Wayne County, Mo.;

A bill (S. 6180) to legalize a bridge across the St. Francis River 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.;

A bill (S. 6181) to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.;

A bill (S. 6182) to legalize a bridge across the James River at Galena, Stone County, Mo.;

A bill (S. 6183) to legalize a bridge across the White River approximately 11 miles south of Reed Springs, Stone County, Mo.;

A bill (S. 6184) to legalize a bridge across the White River at Forsyth, Taney County, Mo.;

A bill (S. 6185) granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.; and

A bill (S. 6186) granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 6187) authorizing the investigation of waste products by the Secretary of Commerce; to the Committee on Commerce.

By Mr. DALE:

A bill (S. 6188) to extend the times for commencing and completing the construction of a bridge across Lake Champlain from East Alburg, Vt., to West Swanton, Vt.; to the Committee on Commerce.

A bill (S. 6189) granting an increase of pension to Anna M. Walbridge (with accompanying papers); to the Committee on Pensions.

B STREET NW. IN THE DISTRICT—PROPOSED LOUISIANA AVENUE

Mr. BROUSSARD submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, which was ordered to lie on the table and to be printed.

ADJUSTED-SERVICE CERTIFICATES

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (H. R. 17054) to increase the loan basis of adjusted-service certificates, which was referred to the Committee on Finance, ordered to be printed, and to be printed in the RECORD, as follows:

On page 1, line 10, and page 2, line 1, strike out "4½ per cent per annum, compounded annually," and insert "2½ per cent per annum."

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. TYDINGS submitted an amendment intended to be proposed by him to House bill 16738, the District of Columbia appropriation bill, which was ordered to lie on the table and to be printed, as follows:

At the proper place in the bill to insert:

"Widening of Seventeenth Street NW., between H Street and Pennsylvania Avenue, \$17,044.28.

"Grading Eastern Avenue between Bunker Hill Road and Queens Chapel Road, \$7,740."

THE INDIAN QUESTION

Mr. THOMAS of Oklahoma. Mr. President, I ask unanimous consent to have printed in the RECORD two newspaper articles, one from the Washington Daily News of February 12 and one from the New York Times of February 15, relating to our treatment of the American Indians.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles are as follows:

[From the Washington Daily News, Thursday, February 12, 1931]

INHUMAN TREATMENT OF INDIANS RELATED IN BOOK "MASSACRE"—
TRIBES LIVE ON REFUSE WHILE MILLIONS GO FOR USELESS IRRIGATION WORK, WRITER CHARGES

By Max Stern

Some three years ago Robert Gessner, ethnologist, set out in his auto from the campus shades of Ann Arbor to study the American Indian tribes and capture for posterity records of their vanishing folk ways.

He came back last year aflame with indignation at what he had seen and heard in those rural slums of the West, the Indian reservations. Instead of a book on folklore he wrote *Massacre*.

Since Helen Hunt Jackson penned her *Century of Dishonor* 50 years ago no such arraignment has been lodged against the United States Government and its Indian Bureau. *Massacre* is creating a stir on Capitol Hill not only because of its array the much-heralded reform Indian administration, headed by Commissioner Charles J. Rhoads and his assistant, J. Henry Scattergood.

LITTLE REFORM

Although drafted by President Hoover to clean up the sordid mess left by the Fall-Burke-Meritt régime and its precursors, the two Philadelphia Quaker humanitarians, according to Gessner, are fast sinking into the bureaucratic mire and have done little to reform the Indian Bureau in its weak spot, personnel.

Dedicated to "The first Congress that will eradicate what Lincoln 70 years ago called 'an accursed system,'" *Massacre* piles horror upon horror. Gessner seeks to humanize his facts by word pictures. We see the son of proud Sitting Bull, blind and ragged, eating dried entrails of a horse dead of disease in a wind-swept tent on the South Dakota Bad Lands, whither the Sioux had been driven by Custer.

Montana Indians, infected with diseases and dying fifteen times faster than their white brothers, are found living from refuse in city dumps, while their guardians spend a million dollars of tribal money for useless irrigation works. Mississippi Indians are bought and sold as slaves at \$600 apiece.

California Indians are found to have been driven to barren hilltops, and in 70 years their numbers reduced by disease and starvation from 100,000 to 17,300.

Among the 25,000 children in Indian schools mass flogging is discovered, children are chained to their beds and forced to drag a ball and chain from tiny ankles; one boy is beaten to death; girls are thrown into foul dungeons; children are made to haul plows in fields, are fed on from 9 cents to 12 cents a meal, 80 per cent less than soldiers. Babies are born in filth as Indian Bureau doctors refuse to attend.

DIE OF TUBERCULOSIS

Indians, dying three times faster than whites from tuberculosis, underfeeding, social diseases, and other maladies, have been decimated from 918,000 to 162,602 full bloods. Indian wealth is dissipated and seized by whites; the famed Osages robbed of their oil; Klamaths of their land and water; Flatheads of their power; Menominees of their timber; each a separate story of neglect, mismanagement, loot.

Massacre, its publishers suggest, is the Uncle Tom's Cabin of the American red man. The facts are there, however, nailed down with documents. And the book presents a challenge that American lovers of justice and beauty can not ignore.

Commissioner Rhoads declined to comment upon the book.

[From the New York Times, Sunday, February 15, 1931]

OUR TREATMENT OF THE INDIAN—AN INDICTMENT OF CONDITIONS ON
THE RESERVATIONS TO-DAY

By R. L. Duffus

It is a little more than 50 years since Helen Hunt Jackson published that flaming indictment of the white man's treatment of the American Indian which she called "A Century of Dishonor." Mr. Gessner makes it a century and a half. He is not, it should be stated at the beginning, an impartial observer. He does not often distinguish between a bad system and the human beings who operate that system. He is not content to demonstrate that the Secretary of the Interior and the head of the Indian Bureau are mistaken in their views, but rather strongly intimates that, as an Indian might put it, their hearts are bad. He is not over-critical of the figures furnished him by those who call themselves friends of the Indian. He sometimes lapses into a style which indicates that he is suffering from an undigested surfeit of Sherwood Anderson and Edgar Lee Masters.

But when all has been said in the way of adverse criticism of Mr. Gessner's book much remains that is a credit to himself and a disgrace to the American people and their Government. The

American Indian tribes, almost if not quite without exception, have been cheated, robbed, and betrayed. Their wrongs are of two sorts—historic and contemporaneous. Because history has been written by the whites the historic wrongs have been somewhat obscured. The primary fact is that about 1,000,000 Indians once occupied the entire continent of North America. Under the hunting economy which most of them followed the continent just about sufficed to sustain them. That the whites should drive them off most of their land was inevitable. There was no moral justification for the act unless it can be demonstrated that white civilization is better than red and that it is better that a continent should support 124,000,000 souls than 1,000,000—especially if the 1,000,000, according to ecclesiastical doctrine, were lost souls.

But when it is granted that the whites were bound to dominate, rightly or wrongly, it was at least theoretically possible for them to achieve their end in a humane fashion. Save for a few rare occasions, they did not do so. From King Philip's war down to the Battle of Wounded Knee there has been little to choose in savagery between the wild Indian and the wild frontiersman. The school child has been brought up to regard the Indian fighter as a hero. Sometimes individually he was. But Indian fighting, on the whole, has been a foul and dirty business on both sides.

Mr. Gessner does not set this forth at length nor systematically. He does give some pertinent illustrations. A prosaic Government report states that when the redoubtable Kit Carson, that mold of chivalry, took his Navajo prisoners to Bosque Redondo in the sixties "such great hardships and terrible exposures were experienced that many died." "For four long years," Mr. Gessner adds, "the white man's reign of terror descended upon the unsuspecting Indian with an unforgettable frightfulness that still burns as a dark story in the memories of a hundred tribes." California supported between 100,000 and 150,000 Indians when the United States annexed it. To-day it has about 18,000. The others were long ago exterminated, partly by the white man's bullets, partly by his diseases, partly by his appropriation of their means of sustenance. In 1863 the Federal Government decided to deport the Winnebagoes from Wisconsin to Kansas. Half of them died on the way. In 1890 Chief Big Foot, of the Sioux, running away from the soldiers to execute the sacred ghost dance, was cornered at Wounded Knee and surrendered. Drunken troopers of the Seventh Cavalry—Custer's old regiment—fired into the tents without provocation while their own comrades were searching the helpless Indians. One hundred and thirty Indians were killed. With one exception, the white casualties were caused by white bullets. Such was the Battle of Wounded Knee—a massacre compared with which the slaughter of Custer's command in 1876 was humane warfare.

But the massacre upon which Mr. Gessner dwells is of a different and, as he thinks, a more painful sort. Here we must draw a distinction between results and causes. The results, as Mr. Gessner found, when he set naively forth to study Indian folklore, are tragic and disgraceful. Whoever may have been responsible for our Indian policy, past and present, it has been, on the face of the bare facts in this book, a moral and economic failure. Almost everywhere Mr. Gessner went among the Indians he found them impoverished, exploited, undernourished, tyrannized over, discouraged, and sick. The once proud Sioux "will run like chickens to gather the offal from the slop buckets that are carried from the garrison kitchens," though "they pass a pile of corn and hundreds of loose cattle without touching a thing." The Black Hills have produced more than a quarter of a billion dollars in gold alone. The Black Hills belonged to the Sioux, but they were driven out and received no payment for their land. This winter some of them have been keeping themselves from starvation by living on horse meat. Their homes in many cases, if not most, are mere hovels. Tuberculosis, trachoma, and worse diseases run riot among them, and they have no adequate medical care.

As with the Sioux so with other tribes—all of them supposedly "wards of the Government." The Indian death rate in the United States registration area has increased. In 1924 it was about twice the white death rate; in Montana, North Dakota, and Washington it was nearly three times the national white death rate; in Wyoming it was seven times as great as the national white death rate. The negro death rate and rate of infant mortality are above that of the whites, but infant mortality among the Indians is two-thirds again as high as that among negroes. The Indian death rate from tuberculosis is six or seven times that of the Nation as a whole, and the death rate among one Wisconsin tribe—the Menominees—is forty times as great as that of the State of Wisconsin as a whole.

To excuse these death rates on the ground that the Indian is more susceptible than the white is playing with words. The Indian may be susceptible to the kind of environment that invites tuberculosis, but it is not necessary that he should be compelled or allowed to live in that environment. Tuberculosis, as is well known, is to a considerable degree a disease of poverty. The American Indian, as Mr. Gessner points out in a chapter demolishing the legend of "Lo! the wealthy Indian," is poor. His annual money income ranges from \$15 per capita to perhaps \$1,540 among the opulent Osages. In few cases is it over \$300. And it is, Mr. Gessner says, decreasing.

The white man has thus destroyed the red man's preexisting civilization without giving him the benefits of the white civilization. The red man himself may be partly to blame. Having seen white civilization chiefly in its frontier aspects of whisky, disease, lawlessness, and tough hombres to whom the only good Indian is a dead Indian, the red brother may have become cynical. To overcome this cynicism the Government set up the Indian Bureau

to guard and protect its wards and established schools to which Indian children, taken at an early age from their parents and their tribes, might be sent for a de-Indianizing process.

If Mr. Gessner is correct in his assertions and deductions, both these means have failed. The Indian agent, as we see him in this book, is not a benevolent guardian but an ignorant and conscienceless tyrant. The Indian schools, as likewise pictured, are places of cruel discipline and slow starvation. The average food allowance for each child, in addition to what could be raised on the school farms, has been, Mr. Gessner says, 11 cents a day, or not much more than one-fifth the current subsistence allowance for the Army and Navy. He adds that children who become tubercular under this régime are sent home to die—and to add to the infection among their tribes.

Another item in the Indian's case against America is, as Mr. Gessner describes it, his exploitation for the white man's benefit. Bridges are built at vast expense in the western deserts; tourists use them but Indians pay for them. Irrigation systems are charged to tribal funds but used by the whites. Devious schemes are concocted to make use of water power on Indian lands without paying the Indians the value of what is taken from them.

As far as charges against individuals go, Mr. Gessner's book is an *ex parte* statement. There are, no doubt, extenuating circumstances, even among the personnel of the Indian Bureau. When Mr. Gessner says that he believes that of that personnel "50 per cent should be dismissed outright, 25 per cent placed on probation, and the remaining quarter kissed on both cheeks and gently led into a spacious pasture where they might spend the rest of their days free from nightmares" he impresses this reviewer as letting his desire to be smart run away with him. The Indian situation is nothing to be smart about. The trouble with the personnel of the Indian Bureau is a trouble with the personnel of the human race. So long as the Indian is at the mercy of his "protectors" conditions will not improve.

Among the suggestions for reform which Mr. Gessner quotes are those made by Alfred E. Smith during the presidential campaign of 1928. Governor Smith held that Indians should have an accounting of their tribal moneys and control over them; that the almost unlimited authority of the Indian Bureau should be abated; that the Indians should have schools at their homes; and that the Indian should have all the constitutional rights, including the right to practice his own religion in his own way. Mr. Gessner's book, despite its limitations, performs a public service in reviewing the subject. It puts upon the defenders of the status quo the burden of showing cause why Governor Smith's program, or something like it, should not be adopted.

INVESTIGATION BY THE TARIFF COMMISSION—LEAD

Mr. KING. Mr. President, on yesterday I called up Senate Resolution 441, asking the Tariff Commission to make a certain examination, and inadvertently the figure "6" was written in instead of the figure "2." I therefore move to reconsider the vote by which the resolution was agreed to in order that the correction may be made.

The motion to reconsider was agreed to.

Mr. KING. I wish to modify the resolution so as to read, "under section 332 of the tariff act of 1930" instead of "section 336."

The resolution, as modified, was agreed to.

MESA VERDE NATIONAL PARK, COLO.

The PRESIDENT pro tempore laid before the Senate the concurrent resolution (H. Con. Res. 47), which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President is requested to return to the House of Representatives the bill H. R. 15876, entitled "An act to provide for the addition of certain lands to the Mesa Verde National Park, Colo., and for other purposes," for the purpose of permitting the correction of an error in the enrolled bill.

Mr. NYE. I ask for the adoption of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

SAN FRANCISCO BAY BRIDGE

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5825) granting the consent of Congress to the State of California to construct, maintain, and operate a toll bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland, which was to amend the title so as to read: "An act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland."

Mr. JOHNSON. The amendment of the House merely strikes a word from the title. I move the concurrence of the Senate.

The motion was agreed to.

MEDAL IN COMMEMORATION OF SURRENDER OF LORD CORNWALLIS AT YORKTOWN, VA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5677) to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States, which was, on page 2, line 1, after the word "achievement," to insert "upon sufficient security being furnished to indemnify the Government of the cost thereof."

Mr. SWANSON. The object of the amendment of the House is merely to secure the Government against any chance of losing any money in preparing the medal. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles, and referred as indicated below:

H. R. 9224. An act to authorize appropriations for the construction of a sea wall and quartermaster's warehouse at Selfridge Field, Mich., and to construct a water main to Selfridge Field, Mich.; to the Committee on Military Affairs.

H. R. 10585. An act to amend section 9 of the trading with the enemy act; to the Committee on the Judiciary.

H. R. 13566. An act to provide for the purchase or construction of buildings for post-office stations, branches, and garages, and for other purposes; to the Committee on Public Buildings and Grounds.

H. R. 16159. An act authorizing an appropriation of the sum of \$15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931;

H. R. 16215. An act authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado; and

H. R. 16248. An act authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge; ordered to be placed on the calendar.

H. R. 16658. An act authorizing the erection of certain additional facilities at branches of the Bureau of National Homes; and

H. R. 16982. An act to authorize an appropriation to provide additional hospital, domiciliary, and out-patient dispensary facilities for persons entitled to hospitalization under the World War veterans' act, 1924, as amended, and for other purposes; to the Committee on Finance.

H. R. 15591. An act granting the consent of Congress to the State of Minnesota to construct, maintain, and operate a bridge across the Mississippi River, at or near Brainerd, Minn.;

H. R. 15594. An act authorizing the construction of a bridge across the Mahoning River at Edinburg, Lawrence County, Pa.;

H. R. 15767. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 15860. An act granting the consent of Congress to the State of Illinois to construct, maintain, and operate a bridge across the Fox River east of Serena in La Salle County, Ill., between sections 20 and 29, township 35 north, range 5 east, third principal meridian;

H. R. 15861. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Lansing, Iowa;

H. R. 15862. An act granting the consent of Congress to the Commonwealth of Pennsylvania to construct, maintain,

and operate a free highway bridge across the Allegheny River at or near Emlenton, Venango County, Pa.;

H. R. 15869. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Rulo, Nebr.;

H. R. 16113. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn.; and

H. R. 16115. An act granting the consent of Congress to the Panola-Quitman Drainage District to construct, maintain, and operate a dam in Tallahatchie River; to the Committee on Commerce.

H. J. Res. 192. Joint resolution extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to the Territory of Porto Rico; to the Committee on Agriculture and Forestry.

STATE, JUSTICE, COMMERCE, AND LABOR DEPARTMENTS APPROPRIATIONS

Mr. JONES. I ask unanimous consent that the Senator from New Hampshire [Mr. MOSES] may be substituted as a conferee on the State, Justice, Commerce, and Labor bill in place of the Senator from Idaho [Mr. BORAH]. I ask that that be done at the request of the Senator from Idaho.

The PRESIDING OFFICER (Mr. FESS in the chair). Without objection, the substitution will be made.

PAY OF EMPLOYEES REMOVED FOR BREACH OF CONTRACT

The PRESIDING OFFICER (Mr. COUZENS in the chair) laid before the Senate the amendments of the House of Representatives to the bill S. 3277, to provide against the withholding of pay when employees are removed for breach of contract to render faithful service, which were, on page 1, line 5, after the word "any," to insert "civil"; on the same page, line 7, to strike out the word "Federal"; and on the same page, line 9, strike out the word "Federal."

Mr. PHIPPS. I move that the Senate concur in the amendments of the House.

Mr. ROBINSON of Arkansas. I inquire, what is the bill?

Mr. PHIPPS. It is a Senate bill which has passed the House with certain amendments, which the Chair has laid before the Senate. It has to do with the withholding of pay of employees of the Post Office Department who are removed for breach of contract to render faithful service. The amendments of the House are intended to make certain that the bill shall apply to civil employees, so as to avoid misunderstanding and so as not to include Army and Navy employees.

Mr. ROBINSON of Arkansas. Who ever conceived that an employee of the Post Office Department is an Army employee?

Mr. PHIPPS. The House can conceive of a great many things, but I do not see any objection to the amendments of the House and I hope the Senate will accept them.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado to concur in the House amendments.

The motion was agreed to.

DISPOSITION OF EFFECTS OF DECEASED SOLDIERS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 4619) to authorize the disposition of effects of persons dying while subject to military law, which was to strike out all after the enacting clause and insert:

That the effects in the possession of the General Accounting Office of persons dying while subject to military law, including papers of value, sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, including those of deceased inmates of the Soldiers' Home dying in any United States military hospital, where sent from said home for treatment, and similar effects hereafter received by the War Department under the provisions of the act of June 4, 1920 (41 Stat. L. 809; U. S. C., title 10, sec. 1584), as amended, shall be delivered to the Soldiers' Home; that wills or other papers involving property rights shall be promptly delivered to proper

courts of record; that the remaining effects, if the heirs or legal representatives can not be ascertained, shall be retained by the home intact until three years from the date of the death of the person on whose behalf they were received shall have expired (in the event said period shall not have already elapsed), for the purpose of delivery to the widow or legal representative of the deceased, or to the son, daughter, father (provided the father has not abandoned the support of his family), mother, brother, sister, or the next of kin in the order named, or beneficiary named in the will of the deceased, upon the establishment to the satisfaction of the home of a right thereto.

Sec. 2. (a) That after the expiration of three years from date of death of said deceased, the Soldiers' Home may sell, either at public or private sale, as deemed most advantageous, all or any of such effects to which a right thereto shall not have been established on behalf of said deceased, his heirs, or legal representatives: *Provided*, That decorations, medals, and citations shall not be sold, but shall be disposed of as in section (b) following.

(b) That such of said effects as at the expiration of five years from date of death of deceased have neither been sold nor a right thereto established on behalf of the deceased shall be finally disposed of by said home in such manner as in the interest of the public it deems most fitting, helpful, and appropriate, either by permanent retention thereof, distribution to the Veterans' Administration, State or other military homes, museums, or other appropriate institutions, or by their destruction, if, in the opinion of the board of commissioners thereof, they no longer possess any value.

(c) That the net proceeds received by the home from the sale of such effects shall be covered into the Treasury to the benefit of the fund "Soldiers' Home permanent fund (trust fund)," and such principal fund as thus augmented shall draw interest at 3 per cent per annum, payable quarterly to the treasurer of the home.

Sec. 3. (a) Claims for the net proceeds of effects may be filed with the General Accounting Office at any time prior to the expiration of six years from date of death of such deceased for action as authorized by law in the settlement of the accounts of deceased officers and enlisted men of the Army (act of June 30, 1906; 34 Stat. 750; U. S. C., title 10, sec. 868), and, if not so filed, are barred from being acted on either by the courts or the accounting officers.

(b) All claims for the net proceeds of such effects which are allowed by the General Accounting Office shall be certified to the treasurer of the home for payment by check, in the amount thus found due and accrued interest thereon, from the fund "Soldiers' Home permanent fund (trust fund)," hereby appropriated therefor in such amount as necessary. No claim thus allowed or paid shall exceed the net proceeds and accrued interest derived from the particular estate and covered into the Treasury as aforesaid.

Sec. 4. That the containers now in the possession of the General Accounting Office, in which are stored the effects enumerated in section 1 hereof, shall be transferred therefrom to the Soldiers' Home to provide for the protection and safe-keeping of such effects.

Sec. 5. All laws and parts of laws, in so far as in conflict herewith, are repealed.

Mr. REED. Mr. President, this is a bill originating in the Senate, to take care of the effects of those who died in military service and military hospitals.

There are thousands of parcels of deceased soldiers still stored in the War Department, some of them dating back to deaths of soldiers which occurred during the Civil War. It is highly desirable that they be disposed of. There is no useful purpose served in keeping them. The House has agreed to the bill of the Senate, merely shortening the time the articles must be held. For example, they cut it down from 5 years to 3, and then the time within which the proceeds of the sale of anything disposed of may be claimed is cut down from 10 years to 6 years.

In effect, the House agrees to the Senate bill. The most careful safeguards are put in to protect the rights of the relatives, if there are any relatives, and also to avoid the sale of decorations.

I move that the Senate concur in the House amendment. The motion was agreed to.

UNDISPOSED-OF PORTION OF CAMP TAYLOR, KY.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4636) to authorize the Secretary of War to resell the undisposed of portion of Camp Taylor, Ky., approximately 328 acres, and also to authorize the appraisal of property disposed of under authority contained in the acts of Congress approved July 9, 1918, and July 11, 1919, and for other purposes, which were, on page 1, line 3, after the word "authorized," to insert "after due advertisement"; on page 1, line 3, to strike out all after the word "to" down to and including the word "Government," in line 5, and

insert "sell at public auction, for cash, but at not less than the appraised value"; on page 1, line 7, to strike out "sold" and insert "attempted to be sold"; on page 2, line 2, after the word "appraised," to insert "again"; on page 2, line 3, to strike out "resale" and insert "sale"; on page 2, line 4, to strike out "resale" and insert "sale"; on page 2, line 5, after the word "fund," to insert ": Provided, That hereafter no real estate of the War Department shall be sold or disposed of without authority of Congress, and all existing acts or parts thereof in conflict with this proviso, other than special acts for the sale of stated tracts of land, are hereby repealed"; and on page 2, to strike out lines 6 to 21, inclusive.

Mr. REED. Mr. President, the Senate bill proposed to allow the sale of this part of Camp Taylor at private sale after an appraisement had been had. The sale was to be made at not less than the appraised value. The change made by the House in the first amendment provides simply for a public sale at not less than the appraised value. As it comes to about the same thing in the end, I hope the Senate will concur in the House amendment.

The second amendment repeals all general authority which the War Department may now have to make sale of real estate without a special act of Congress. The War Department, whose authority would thus be reduced, is satisfied to have the change made, and recommends concurrence in the House amendment.

Therefore, I move that the Senate concur in the amendments of the House.

Mr. ROBINSON of Arkansas. Mr. President, are there general statutes authorizing the sale of real estate by the War Department?

Mr. REED. Some were passed after the war, when we were getting rid of a large number of cantonments, but there is no longer any necessity for them, because very few pieces of land come up for sale nowadays.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

ERADICATION OF MEDITERRANEAN FRUIT FLY

Mr. TRAMMELL. Mr. President, there is a measure on the calendar that will take about two minutes to pass. The bill was reported from the Committee on Agriculture and Forestry with amendments and its passage as amended is recommended by the Committee on Agriculture and Forestry and it is also approved by the Agricultural Department. I am anxious to get the bill to the House, and ask that it be put upon its passage.

There being no objection, the Senate proceeded to consider the bill (S. 6119) to provide for an investigation and report of losses resulting from the campaign for the eradication of the Mediterranean fruit fly, which had been reported from the Committee on Agriculture and Forestry with amendments.

The amendments were, on page 1, line 4, before the word "individuals" to strike out "three" and insert "five," and in line 5, after the name "Secretary of Agriculture" to strike out "one of whom shall be a representative of the United States Department of Agriculture and who shall be chairman of the board, one of whom shall be a representative of the department of agriculture of the State of Florida and who shall be the person named and recommended by the commissioner of agriculture of the State of Florida, and one of whom shall be an outstanding fruit and vegetable grower and resident of Florida to be named by the Secretary of Agriculture with the approval of the commissioner of agriculture of the State of Florida" and in lieu thereof to insert "two of whom shall be representatives of the Department of Agriculture (one to be chairman of the board), two citizens of the State of Florida, and one man at large," so as to make the bill read:

Be it enacted, etc., That a board is hereby created, to be known as the Mediterranean Fruit Fly Board, to be composed of five individuals, to be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Department of Agriculture (one to be chairman of the board), two citizens of the State of Florida, and one man at large. Any vacancy occurring in the

board shall be filled in the same manner as the original appointment. Each member of the board, other than members holding office under the State or Federal Government, shall receive compensation at the rate of \$10 per day while actually employed on the business of the board. The board shall cease to exist upon transmitting its report under section 2 of this act.

Sec. 2. The board is authorized and directed to (1) conduct a complete investigation and survey of all losses sustained by growers and farmers in the State of Florida resulting from the campaign to eradicate the Mediterranean fruit fly in such State; (2) receive claims for losses sustained by such persons in the State of Florida by reason of such campaign, supported by such proof as the board by regulation may prescribe; (3) report the facts and make findings upon such claims as to the amount of actual and necessary loss sustained; and (4) transmit to the Secretary of Agriculture not later than September 30, 1931, or at the commencement of any special session of Congress, if one is convened prior thereto, a report of the survey and its findings in respect of claims for such losses: *Provided*, That such report and finding shall serve as information only and not be binding on the Secretary of Agriculture or Congress. The Secretary of Agriculture shall at the first regular or special session of Congress thereafter transmit such report of survey to Congress, together with such recommendations as he may, in his judgment, deem advisable.

Sec. 3. The board may, with the approval of the Secretary of Agriculture, appoint and fix the compensation (without regard to the civil service laws and regulations or to the classification act of 1923, as amended) of such employees, and may, with the approval of the Secretary of Agriculture, make such expenditures, including expenditures for travel and subsistence expenses, for personal services at the seat of government and elsewhere, and for printing and binding, as are necessary for the efficient execution of its functions under this act. All expenses of the board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the chairman of the board and the Secretary of Agriculture.

Sec. 4. The expenditures authorized by this act shall be paid from the funds appropriated for the eradication and extermination of the Mediterranean fruit fly, heretofore made.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 4799. An act to extend the times for commencing and completing the construction of bridges across the Missouri River at or near Farnam Street, Omaha, Nebr., and at or near South Omaha, Nebr.;

S. 5887. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mound City, Ill.;

S. 5921. An act authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Oreg.; and

S. 5952. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House No. 3 to the bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians residing in the State of Minnesota to submit claims to the Court of Claims.

CALL OF THE ROLL

Mr. WAGNER. Mr. President, the reading of an interview yesterday by the Senator from Texas [Mr. SHEPPARD], in connection with which he discussed the question of prohibition, and the fact that the Senate is always interested in the subject of ordered society, justify me in addressing the Senate upon a matter which is of nation-wide interest.

Mr. McNARY. Mr. President, will the Senator yield to me to suggest the absence of a quorum?

Mr. WAGNER. I yield for that purpose.

Mr. McNARY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	Frazier	La Follette	Shortridge
Barkley	George	McGill	Smith
Bingham	Glass	McKellar	Smoot
Black	Glenn	McNary	Steiwer
Blaine	Goff	Metcalf	Stephens
Blease	Goldsborough	Morrison	Swanson
Borah	Gould	Morrow	Thomas, Idaho
Bratton	Hale	Moses	Thomas, Okla.
Brock	Harris	Norbeck	Townsend
Broussard	Harrison	Norris	Trammell
Bulkey	Hastings	Nye	Tydings
Capper	Hatfield	Oddie	Vandenberg
Caraway	Hawes	Partridge	Wagner
Carey	Hayden	Patterson	Walcott
Copeland	Hebert	Pine	Walsh, Mass.
Couzens	Heflin	Pittman	Walsh, Mont.
Cutting	Howell	Ransdell	Waterman
Dale	Johnson	Reed	Watson
Davis	Jones	Robinson, Ark.	Wheeler
Dill	Kean	Robinson, Ind.	Williamson
Fess	Kendrick	Sheppard	
Fletcher	King	Shipstead	

The PRESIDING OFFICER (Mr. Fess in the chair). Eighty-six Senators having answered to their names, a quorum is present. The Senator from New York has the floor.

PROHIBITION—THE WICKERSHAM REPORT

Mr. WAGNER. Mr. President, during the past month public attention has been absorbed by the mysterious discrepancies of the Wickersham report and by the political significance of the President's commentaries, both personal and vicarious, on its recommendations. These mysteries have not yet been resolved. Time, however, has allayed the curiosity which they aroused. It is now possible, therefore, to redirect public attention and to bring it into focus on the judgment which the law enforcement commission passes upon the prohibition experiment. My own study of the document has convinced me that we shall all before long be forced into an intimate familiarity with every paragraph and every sentence it contains, for it is bound to become indispensable as the authoritative text in the oncoming national reconsideration of the wisdom of the eighteenth amendment.

The report is the beginning of the end. So I prophesy will it be designated in the concluding chapter of the sorrowful story of national prohibition which is about to be written.

The primary and outstanding conclusion of the commission is that the experiment in nation-wide prohibition has been a dismal failure. It is not the novelty of new discovery that gives extraordinary value to this finding. Thousands of investigators and observers have independently come to the same decision. None of them, however, had the same facilities for inquiry that were available to the commission. None but the commission had access and recourse to all the various sources of information. Most of the others were advocates; the commission sat in judgment. It is that which invests with authority the conclusion which it reached after 18 months of investigation and deliberation.

Let me but read three short sentences which adequately describe the one all-important fact that crystallizes out of the long investigation. The commission says (p. 39):

The conclusion is that enforcement is not reaching the sources of production and distribution so as materially to affect the supply.

And again (p. 37):

Organized distribution has outstripped organized enforcement.

And again—

As things are at present—

Says the commission—

there is virtual local option.

President Hoover has once before called prohibition an experiment. He called it that again in his message to Congress transmitting the Wickersham report. Nation-wide abstinence—that was the new entity that we sought to create in the experimental laboratory. How did we proceed? We embellished the policy of total abstinence with the dignity and sanctity of the Constitution. We made disregard of that policy a crime. We created for its purposes a larger organi-

zation than we have ever employed for the enforcement of any other criminal statute. We arrested our citizens by the hundred thousand. We poured into the prohibition test tube millions of dollars and thousands of men. We strengthened the mixture with violations of constitutional guaranties and garnished it with spying and wire tapping. We poisoned the alcohol that we knew would reach our people. A friendly Congress has for a dozen years withheld no requested ingredient to bring success to the experiment. And now for 18 months the commission has been searching to find the total abstinence we intended to produce. Instead it has found local option and in addition these by-products of the great experiment: Growing intemperance; corruption, the like of which this country has never known; general lawlessness which threatens to overwhelm organized government.

Mr. President, it is time to face these facts not with obstinacy but with courage. The time for pretense has expired. We can no longer continue in the illusion of success. We must now deal with the reality of failure. Let us be frank with ourselves in answering this question. Had the Sixty-fifth Congress, which so enthusiastically and hopefully submitted the eighteenth amendment for ratification by the States, been endowed with superhuman vision so that each of its Members could then read the text of the report which is now before us, would a solitary vote have been cast in favor of the prohibition resolution? There can be but one answer to that question. And if we have faith in the common sense and good judgment of the American people we are driven to the conclusion that the same facts which would have been sufficient to keep the amendment out of the Constitution will prove sufficient to take it out of the Constitution.

What were the causes that brought on the collapse of the prohibition adventure? Were they minor defects of the law? Did they consist of reparable shortcomings in the machinery? No one can read the Wickersham report and continue to harbor any doubts of the total hopelessness of any such effort. No quantity of lawmaking, no amount of tinkering with machinery could possibly have availed against the forces which wrought the undoing of the eighteenth amendment.

Like the steady beat of a drum accompanying a martial band so is repeated in the report the thought that there is an economic side to the failure of enforcement; that in the satisfaction of the illicit demand for liquor fortunes have been made. Beneath the commission's reserved and dignified statement of that fact crouches the ugly reality that we all know. The golden flow of profits having its headwaters in this illicit traffic has irrigated the whole soil of criminal activity and has caused it to yield a bumper crop of every form of criminality. Engaged in the harvest are a host of racketeers, gangsters, and gunmen who threaten the supremacy of organized law. In illicit liquor organized crime has found a venture that pays real dividends.

The distribution of this forbidden fruit has become in point of income one of America's major industries; where, however, competition or combination is outside the purview of any Federal trade commission, where disputes are beyond the pale of the law, to be settled only by the rule of the jungle. The eighteenth amendment, more than any other single factor, has provided the finances which have turned organized crime into big business. The people of the United States are suffering from its keen oppression. They are resentful that a rigid constitutional provision renders futile their attempts to rid themselves of this public enemy. It is not liquor they demand but Government—Government that is not obliged to share its sovereignty with the racketeers.

Intimately bound up with this economic aspect of the failure of the law is the problem of public opinion. In fact, this report may well be termed the renaissance of official regard for public sentiment. Again and again the commission does not weary of reiterating, collectively, and individually, that the prohibition experiment can not possibly succeed without a favorable public opinion. It speaks of the need of State cooperation only to return to its theme that it is not to be expected in the face of local hostility to the rigorous standard imposed by the amendment.

In his book, the Dry Decade, Mr. Charles Merz tells the story of the persistent attempt to bend public opinion to the law. Three presidents in succession made the futile effort to persuade the American people that they must not choose what laws they would support. President Harding in 1920, President Coolidge in 1923, and President Hoover on at least four occasions attempted to secure respect for the prohibition law by throwing about it the mantle of respect for all law. No one could quarrel with the sentiment; no one could have any doubt of the futility of the effort. Before an appeal could be made to the conscience of the American people to obey this law it would first have to find a place in the public conscience. That condition was never met. Quite the contrary. The killing of citizens by armed officers, the unlawful searches and seizures, the spying and the wire tapping, the bribery and the corruption of Federal, State, and municipal officials have sown resentment and hostility far and wide and converted enthusiasm for the law into apathy and apathy into opposition in the very house of its friends. Indeed, it is now announced that the Federal Government itself has voluntarily abdicated the major portion of the field of enforcement.

Even those who have been most ardent in their advocacy of prohibition must now realize that these streams of facts and events have converged into a stormy sea upon which the eighteenth amendment has been carried not to a haven of safety but to a rock of destruction. Already it lies bruised and battered beyond recognition and the pounding of the rising tide of hostility is rapidly completing the demolition. At last even they must see the utter folly of the course we have pursued. Surely, now, they must see that we have in the past decade been swirling about in a vicious circle. We wanted the Federal Government to impose prohibition because many of the States would not do it; we wanted the States to enforce prohibition because the Federal Government could not do it. This ring of futility must be broken.

In order to break it far bolder steps must be taken than the minor suggestions recommended in the commission report.

We are asked to hire more men and spend more money. In all earnestness I ask, What purpose would that serve? Why heap more sacrifice upon the altar of hopelessness? We are asked to pass more laws with respect to the home production of fruit juices. Why should we do this useless thing? The commission reports that necessity compels the abandonment of enforcement in the home. Does the commission by any chance expect that the outlawry of cider making in the country would help prevent home-brew in the city, or is its recommendation no more than an expression of an æsthetic desire for symmetry in the program of nullification?

Whether we appropriate more money, whether we pass more laws, those are not the vital questions. We are now concerned with a far more important question of choosing an entirely new policy in lieu of the one we are about to discard. What shall we have in the place of the frustrated attempt to secure nation-wide abstinence?

There was for a time some doubt as to what the commission recommended with respect to that matter of fundamental policy. The confusion was induced by two documents which accompanied the report of the commission. The first was the President's message to Congress transmitting the report. The second was a paper entitled "Conclusions and Recommendations." I shall not take the time of the Senate to establish that the President's message failed completely to express the true decision of the commission. On that point I have prepared a memorandum, which I ask to have printed as part of my remarks.

MEMORANDUM

Any analysis of the recommendations of the commission must begin by disentangling the several documents that are included with the report.

The first is the President's message transmitting the report to the Congress; the second is a document entitled "Conclusions and Recommendations." The third is the report proper, and the fourth is the compilation of individual statements by the commissioners.

In his message to Congress the President refers to the proposed revision of the eighteenth amendment in these words:

I do, however, see serious objections to, and therefore must not be understood as recommending, the commission's proposed revision of the eighteenth amendment which is suggested by them for possible consideration at some future time if the continued effort at enforcement should not prove successful.

From that statement of the President one would naturally infer that the commission recommended, first, that there should be further effort at enforcement; second, if that should not prove successful, then at some time in the future possible consideration should be given to the revision of the eighteenth amendment.

This raises the inquiry, Wherefrom did the President derive the idea that the commission's proposed revision was intended for "possible" consideration in the "future" "if" enforcement should fail?

Where did he secure the "possible," the "future," and the "if"?

Did he derive these words from the document entitled "Conclusions and Recommendations"? That, however, strangely enough, does not contain any commission recommendation with respect to revision. It is limited to a statement that some of the commission believe that further trial should be made before revision is attempted, while others of the commission are convinced that the amendment should be revised immediately. There is not a word in this statement which would indicate whether and how the commission voted as a body on the question of immediate or postponed revision.

Nor is there any word which justifies the use of the language "possible consideration" in the President's message. For even those who favor further trial make the straightforward statement that "if after such trial effective enforcement is not secured there should be a revision of the amendment."

Could the President possibly have come to his conclusion as to the meaning of the commission from the separate statements of the commissioners? That is even less plausible. In the separate opinions of the commissioners we find this state of affairs: Seven commissioners are in favor of immediate change; three commissioners favor a test of public sentiment by submitting a proposal of repeal for ratification by the States. One is opposed to any immediate constitutional action.

The same 11 commissioners divide up in this manner:

Six favor immediate revision.

Four advocate that further trial be had.

One advocates immediate repeal without accepting the alternative of revision.

There is nothing in this poll, with its clear majority for immediate revision and its greater majority for immediate change, to explain or justify the language used by the President in his message.

Is it possible that Mr. Hoover arrived at his interpretation of the meaning of the commission from the text of the report proper? The only place in the text of the report where revision is considered is in chapter 9, entitled "The Proposed Alternatives to the Present System."

The commission states four such alternatives, namely, (1) repeal of the amendment; (2) repeal or modification of the Volstead Act; (3) improvement in personnel and organization; and (4) revision of the eighteenth amendment. These alternatives are disposed of in the following manner:

(1) Repeal is rejected in two plainly spoken sentences. (2) It indicates its objections to the repeal or modification of the Volstead Act. (3) The judgment which it passes on the possibilities of improvement in personnel and organization is best stated in its own words:

More men, more money, and more and better equipment for the enforcing agencies would undoubtedly achieve much, but no improvement in machinery will avail without cooperation from the States. This State cooperation will ultimately depend upon local public opinion. So long as public opinion is adverse or indifferent in large cities and in many States, so long as there is no practicable means of reaching home manufacture (which may easily run into commercial manufacture), and so long as the margin of profit remains what it is, serious obstacles in the way of satisfactory enforcement will continue to be beyond the reach of improved

organization personnel and equipment and tightened statutory and administrative provisions.

(4) It subdivides the fourth alternative, namely, revision, into four types. These are:

First. Federal control and manufacture, distribution, and sale by Federal monopoly.

Second. State option under Federal control.

Third. State control by permitting the State to determine the definition of intoxicating liquor.

Fourth. A dispensary system of distribution.

For reasons best known to itself, the commission did not proceed to discuss these proposals in the order stated. Instead it first rejected the third type, then the first, and then the fourth. That tended to conceal the fact that it had made no mention of the second—that is, State option under Federal control. The report as it now appears in print contains neither approval or disapproval of this second type of revision. The text, however, contains extraordinary internal evidence that at one time the report did contain definite approval of this type of revision. It is difficult otherwise to explain the language of the commission contained in the very same paragraph now under consideration, which reads (p. 81):

Much of the difficulty comes from the rigidity of the eighteenth amendment and of the national prohibition act which prescribe one unbending rule for every part of the country and every type of community without regard to differences of situation or conditions or to public opinion.

In its present context that sentence is almost incongruous. It is certainly not a reason for rejecting the several forms of revision. It would naturally follow, however, as a reason for approving immediate revision to permit the State the option of adopting some plan suitable to local conditions. The failure specifically to exclude the second type of revision, followed by words of praise for the Swedish system, and complaint of the rigidity of the eighteenth amendment, lead naturally to the inquiry whether at some point of its progress the report did not in fact contain an outright declaration for immediate revision.

The conclusion that it did is enforced by many corroborating pieces of evidence:

First. The actual count of the votes of the commissioners shows a clear majority for immediate revision.

Second. The report states on page 28:

The best assurance of stopping diversion would lie in some plan which would do away with the enormous profits of the illicit trade.

That language obviously points to the plan proposed by Commissioner Anderson which is grounded primarily upon the elimination of private profit in the liquor traffic.

Third. In speaking of the difficulties of enforcement the commission says on page 55:

It will be perceived that some of them are due to differences of opinion as to total abstinence and could only be eliminated by bringing about a substantial unanimity on that subject throughout the land, or by conceding something to communities where public opinion is adverse thereto.

Since the first alternative stated is rejected (p. 151) the remaining alternative naturally points to a recommendation in favor of some form of concession to the nonprohibition communities.

Fourth. On page 70 the commission says:

In our judgment, it is impossible to recede wholly from the eighteenth amendment.

The use of the word "wholly" would seem to indicate a contemplated recommendation for a partial recession from the eighteenth amendment.

Fifth. On page 49 the commission says:

Means should be found of conserving the gains while adapting or making it possible to adapt legislation under the amendment to conditions and views of particular States.

That language obviously indicates recommendation for immediate revision.

Sixth. On page 80 the commission says:

So long as public opinion is adverse or indifferent in large cities and in many States, so long as there is no practicable means of reaching home manufacture (which may easily run into commercial manufacture), and so long as the margin of profit remains what it is, serious obstacles in the way of satisfactory enforcement will continue to be beyond the reach of improved

organization personnel and equipment and tightened statutory and administrative provisions.

This language is inconsistent with any proposal except that of immediate change.

Seventh. Mr. McCormick's statement on page 157:

I am in accord with all of the conclusions and recommendations except that in which a revision of the eighteenth amendment is suggested immediately.

Eighth. Mr. Grubb's statement on page 115:

I join in the findings of facts and all the ultimate conclusions of the general report of the commission (except that recommending that the amendment be revised immediately, without awaiting a further trial), but not in all of the general observations.

Ninth. Mr. Mackintosh's statement on page 151:

And while the majority of this commission think that even with further increase and raising of standards in personnel and added equipment reasonable satisfactory enforcement can not be attained in view of the opposition thereto in the populous centers of the country, and that the eighteenth amendment therefore can not become nationally effective * * *.

Tenth. Mr. Anderson's statement on page 99:

I concur in the recommendation of the report that the eighteenth amendment be modified as therein stated.

It is regrettable that so much effort should be necessary to discover the mind of the commission. It is fairly plain that, irrespective of the avenue of approach the President used, he did not accurately report the views of the commission in his message to the Congress. The recommendation of the commission is for the immediate abandonment of the eighteenth amendment and the substitution of the new amendment which it proposes.

IMMEDIATE ABANDONMENT RECOMMENDED

Suffice it to say that it is now fully verified that the commission recommended the immediate abandonment of the policy of national prohibition by substituting in lieu of the eighteenth amendment another amendment which conferred power upon Congress to regulate and prohibit the liquor traffic. Under the revised amendment the importation, manufacture, transportation, and sale of intoxicating beverages would be lawful and permissible except only to the extent that they were prohibited by Congress or by the States. The issue which that proposal raises, Mr. President, is no longer whether we are able to take so revolutionary a step. The issue is: Does the recommended step go far enough? Is revision but half a step that will soon have to be completed? What answer does the commission provide to this question? Substantially, the argument of the commission is this. We have had neither observance nor enforcement. Observance can not be had without a change in public opinion which is now improbable. Enforcement by the Federal Government alone is impossible. Cooperation of the States is conditioned on public opinion which in many places is adverse. Consequently, the experiment in imposing one rigid rule of abstinence upon the entire continent has failed. Allowance must hereafter be made for local differences.

If the reasoning were to stop at this point it is obvious that the logical remedy is not revision but the remission of the entire problem to the States by outright repeal of the amendment. Only then could we be secure against the attempt to impose a single standard upon all the States.

The commission apparently realized the logic of this situation and was therefore careful to add an additional reason to explain why it halted at revision and did not follow through to repeal. That reason is its fear of the return of the saloon.

"Repeal of the eighteenth amendment," says the commission (p. 76), "would not conserve the achieved benefits of national prohibition," namely (p. 73), "the closing of the old-time saloon."

Mr. Anderson (on p. 98), Mr. Wickersham (on p. 161), Mr. McCormick (on p. 156), Mr. Loesch (on p. 149), Mr. Grubb (on p. 116), all give expression to the same thought.

The commission does not attempt to dispose of the objections raised by Mr. Lemann; that under congressional control the liquor question would play a part in Federal elections; that the same public opinion which renders objec-

tionable the eighteenth amendment would render objectionable any attempt at a uniform rule by Congress; that the Federal Government will no more be able itself to prevent private traffic in intoxicants with a revised amendment than with the original amendment; that the real reason why we have accomplished the abolition of the saloon is that public opinion backed its destruction. The majority of the commission fully recognizes the risks of uniformity, the risks of noncooperation, the risks of nullification, and the unwisdom of using the Constitution as an instrument for experimentation. They would logically have recommended repeal. They were held back by the fear of the saloon. And I do not quarrel with the commission's determination that the elimination of the saloon must be perpetuated.

The one subject within the field of prohibition controversy on which there is unanimity of opinion is that the saloon shall not return. There is not a responsible citizen in the United States who would for one moment consider its restoration. That would be a serious step backward which the American people will never be persuaded to take.

THE PROPOSAL

The need to-day is not a return to the days before prohibition but a forward movement to follow up the elimination of the saloon with the eradication of the speak-easy. Suppose, however, that genuine assurance could be had that remission of the problem to the States would not involve the return of the saloon. Would not the single objection to the commission's recommendation of outright repeal be removed? Such assurance can be had. It is conceded that no fears need be entertained with respect to the score of States that now live under local constitutional prohibition. The remaining States would, I feel confident, be willing by local constitutional amendment to render impossible the restoration of the saloon upon achieving freedom from Federal interference in their own working out of the problem of temperance. Such assurance could be given by a State in the exercise of its own wisdom in a variety of ways:

First. It might conceivably adopt state-wide prohibition.

Second. It might simply prohibit the private traffic in intoxicating beverages.

Third. It might adopt the details of a plan for State dispensation.

Fourth. It might erect a public corporation modeled on the Port Authority of the Port of New York to import, manufacture, and distribute such beverages.

Fifth. It might adopt any other device now known or unknown as long as it is inconsistent with the return of the saloon.

In other words, what I propose is the repeal of the eighteenth amendment accompanied by concurrent action on the part of nonprohibition States to insure the conservation of the one achievement of national prohibition. There are a number of methods of securing such joint action by the States and Congress. It would be premature to make a choice at this time.

Should such a program of repeal and concurrent action by the States be adopted it would meet every ultimate requirement laid down by the Wickersham commission.

To be specific, the requirements laid down by the commission are that any change should (p. 81):

First. Give scope for trying out plans adjusted to local situations. This program does it.

Second. Conserve the benefits derived from the repression of the saloon and yet permit, where demanded by public opinion, general or local control of intoxicating beverages. This program accomplishes it.

Third. Do away with the enormous margin of profit which is at the bottom of widespread corruption and lawlessness. This program achieves it.

Fourth. Allay the sources of resentment. This program permits it.

Fifth. Relax the strain on judicial and penal machinery. This program makes it possible.

Sixth. Permit the return to prohibition as communities become ready for it. This program leaves that course readily available. In addition this plan would take prohibition out of Federal politics, where it does not belong. It

would bring to an end the foolhardy Federal experiment in a matter of local policing. It would afford adequate protection to prohibition States. Finally, it would be in line with the current of present public opinion, which is for repeal and not for revision.

Personally, I believe in temperance. I regard self-imposed moderation, self-control, and self-discipline the stuff of which character is built. That is the prevailing view in many of our States; others advocate a policy of repression and abstinence. Under the plan I propose both groups of States are left free to build the kind of civilization their citizens desire. Under the present régime we have hindered both.

The question of public opinion is particularly vital. Chairman Wickersham in his report (p. 162) correctly called it the "crucial inquiry." He said:

The crucial inquiry is whether it is too late . . . to hope for any more favorable turn in public opinion . . .

Surely Mr. Wickersham is not so sanguine that he can expect such a turn from the several very modest proposals for improvement contained in his report. Public opinion to-day is flowing entirely in the other direction. It is too late for revision. Public opinion has already passed that post. It is now headed straight for repeal. The evidence of that is written plain and large for all who wish to read it. Eleven and a quarter million votes were cast in the election of 1930 in favor of candidates committed to repeal and in favor of repeal in referenda on that question. In 1928 only 15 Senators were willing to vote to submit a repeal proposal for ratification by the States. In 1930 the number, I understand, had grown to 19. In the Seventy-first Congress there were 76 Representatives ready to vote for repeal. In the Seventy-second Congress there are, I am told, 146. In 1928 there were five States that had either demanded repeal by referendum or were without local enforcement acts. In 1930 there were eight such States. In 1928 not a single party platform demanded repeal of the eighteenth amendment. In 1930 17 platforms demanded repeal and 2 platforms agreed to abide by the results of referenda which were determined in both cases in favor of repeal. Nor should we underestimate the report made by the commission that votes taken in colleges—

show an attitude of hostility to and contempt for the law on the part of those who are not unlikely to be the leaders in the next generation.

Repeal is the order of the day. That is the realistic fact.

I have listened with patience to the repeated assertions upon this floor of the doctrine of impossibility. You tell me repeal is impossible. I answer you it is inevitable. You tell me that a small minority of the States can prevent it. I know they can, but I am sure they will not. The same succession of events, the same common sense which have persuaded 11,000,000 of voters that national prohibition is a mistake will have their effect on the rest of our people. There is not a State in the Union which is immune to the persuasiveness of common logic and the demands of national welfare. This selfsame argument of impossibility was once before used upon the converse of this very question. It proved a delusion then and so it will prove again.

Now that the issue has become sharp and clear we hear the political counsel of silence. We are told that there is more harmony in evasion. Perhaps there is. But there is no genuine lasting cohesion except that of common faith in a significant principle. When a political organization ceases to rely on that it no longer constitutes a party; it becomes an empty conspiracy. No, the issue can not be evaded. No great question in American history that has divided the people has ever been disposed of by evasion or avoidance. This one will not prove an exception. It must be faced and it will be faced under courageous leadership. That, unfortunately, we can not expect from our President.

Mr. President, with the report of the Wickersham Commission in his hand Mr. Hoover had a rare opportunity to exercise his prerogative and lead a grateful people out of the morass of criminality, corruption, and hypocrisy in which we have been bogged for 11 years. He has thrown it away.

He made haste to disown the commission he had himself so hopefully created. In fairness it should be stated that he but returned the compliment which the commission had already paid to him. Before Mr. Hoover rejected the commission the commission had thoroughly and completely rejected Mr. Hoover. It was Mr. Hoover who attempted in each successive speech on the subject to dilute the prohibition inquiry in a general investigation into law enforcement. The commission discarded this thesis and treated prohibition as a unique problem, different from the problem of enforcement of the criminal law generally. Mr. Hoover's repeated references to the investigation regularly gave encouragement to those who advocated that the commission should limit its investigation to the tools of enforcement. The commission delved deeply into the problem of enforceability. It was President Hoover who cherished the great experiment. The commission pronounced it a failure. For all that Mr. Hoover might still have retrieved his place. He might have cited his letter to Doctor Thompson that the vital question of public action was the discovery and promulgation of truth, confessed his error and stepped to the head of the line. He has chosen to stay behind, the defender of an old order, a discredited cause.

But the American people will move on—led by those who are clear eyed and broad visioned, and willing to join in a common effort, to prevent a return to the evils of the past, and assure our deliverance from the evils of the present.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hattigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 2854. An act for the relief of Mrs. A. K. Root;

S. 5069. An act authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah*;

S. 5138. An act to amend the organic act of Porto Rico, approved March 2, 1917;

S. 5246. An act to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge in the county of Hart, State of Georgia, on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart;

S. 5314. An act to amend the Federal highway act;

S. 5456. An act to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

S. 5457. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21;

S. 5519. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Tennessee River at or near Danville, Tenn.;

S. 5557. An act to amend the act of May 23, 1930 (46 Stat. 378);

S. 5688. An act granting the consent of Congress to the State of New Hampshire to construct, maintain, and operate a bridge or dike across Little Bay at or near Fox Point;

S. 5817. An act to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931; and

S. J. Res. 183. Joint resolution authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

ROUTINE BUSINESS—CALL OF THE ROLL

Mr. VANDENBERG, Mr. BRATTON, and others addressed the Chair.

Mr. CARAWAY. Mr. President, will the Senator from Michigan yield to me for just one moment to submit a report?

Mr. VANDENBERG. I do not know whether I was recognized.

Mr. CARAWAY. Oh, yes; the Senator is recognized. He is on the Republican side.

Mr. BRATTON. Mr. President—

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from New Mexico yield to the Senator from Alabama?

Mr. BRATTON. I yield to the Senator from Alabama.

Mr. HEFLIN. I send to the desk an amendment to the bonus bill, which I ask to have referred to the committee having the matter in charge.

The PRESIDING OFFICER. That order will be made.

Mr. CARAWAY. Mr. President, will the Senator yield to me for just a moment?

Mr. BRATTON. I yield.

Mr. CARAWAY. Out of order, I ask unanimous consent to report from the Committee on Claims a bill for the calendar.

The PRESIDING OFFICER. The bill will be received and placed on the calendar.

(The bill reported by Mr. CARAWAY appears under its appropriate heading.)

Mr. BLACK. Mr. President, will the Senator yield to me?

Mr. BRATTON. I yield to the Senator from Alabama.

Mr. BLACK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McGill	Shortridge
Barkley	Glass	McKellar	Smith
Bingham	Glenn	McNary	Smoot
Black	Goff	Metcalf	Steiwer
Blaine	Goldsborough	Morrison	Stephens
Borah	Gould	Morrow	Swanson
Bratton	Hale	Moses	Thomas, Idaho
Brock	Harris	Norbeck	Thomas, Okla.
Broussard	Harrison	Norris	Townsend
Bulkeley	Hastings	Nye	Trammell
Capper	Hatfield	Oddie	Tydings
Caraway	Hawes	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Couzens	Hefflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Dale	Johnson	Ransdell	Waterman
Davis	Jones	Reed	Watson
Dill	Kean	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson
Fletcher	King	Sheppard	
Frazier	La Follette	Shipstead	

The PRESIDING OFFICER. Eighty-six Senators having answered to their names, there is a quorum present. The Senator from New Mexico is entitled to the floor.

THE DROUGHT SITUATION AND THE RED CROSS

Mr. BRATTON. Mr. President, I send forward a resolution and ask that it be read. I shall then address myself to the subject matter of the resolution.

The PRESIDING OFFICER. Without objection, the clerk will read the resolution.

The resolution (S. Res. 452) was read, as follows:

Whereas the American Red Cross declared in a public statement that "the present drought situation has exceeded the ordinary hazards of farming to such an extent as to constitute a national disaster," which calls for "a relief program that promises to exceed that of the great Mississippi Valley flood of 1927, the record-making peace-time relief operation in American history";

Whereas over \$17,000,000 was required to meet the emergency caused by the Mississippi Valley flood, which involved about 600,000 persons, and the Red Cross has so far appropriated only \$5,000,000 out of its own ordinary funds, which it is seeking to supplement with a special collection of \$10,000,000, with which to meet the present emergency, which involves more than 1,000,000 persons;

Whereas the Secretary of War certified to Congress (as appears in the annual report of the Red Cross for the year ended June 30,

1930) that the National Red Cross had on hand at the beginning of its current fiscal year, July 1, cash and good securities amounting to \$26,791,523.20, exclusive of chapter balances of \$7,700,000 and substantially assured income for the current year (since largely realized) of \$8,800,000, making the available resources of the American Red Cross for the current year not less than \$43,291,523.20;

Whereas out of these large available resources it would be entirely feasible for the Red Cross to make an additional appropriation of \$15,000,000 to the cause in hand without jeopardizing its other activities;

Resolved, That it is the sense of the United States Senate, with the view of bringing more adequate relief to the victims of the national disaster caused by the drought, and with the further view of safeguarding the "well-defined place in the confidence of the people of the United States and throughout the world" established by the American Red Cross for itself, that the central committee of the Red Cross should immediately appropriate an additional \$15,000,000 for drought relief out of its ordinary surplus funds.

Mr. BRATTON. Mr. President, many of us supported the so-called compromise legislation to appropriate \$25,000,000 to be loaned to farmers in the drought-stricken areas. In doing that some of us felt that although such legislation would provide substantial relief, and would go a long way toward relieving the distressing conditions in those areas, we were conscious of the fact that it would not meet the needs of every sufferer in those regions.

Under that legislation, loans can be made only upon satisfactory security. Accordingly, relief is placed upon a shelf so high that many worthy and needy people will be unable to reach it. I think, however, that we did a wise thing when we accepted the so-called compromise, because it was the best thing obtainable in the circumstances.

Mr. President, there are workers in those areas, there are farmers in those areas, there are others in those areas, who will be denied any relief under that legislation because of their inability to supply security for loans.

In addressing myself to this resolution, I do not minimize the importance of what has been done by the Red Cross throughout its history. It has a record of which we are proud. It is an institution of mercy. It is the organization which rushes in when disaster occurs, and relieves the pain, responds to the pangs of hunger, restores health, and otherwise ministers to the comforts of those involved in tragic events.

It is my belief that the Red Cross should spur itself onward and forward in administering to those in the drought-stricken areas who are concededly in need. Much has been said about the resources of the Red Cross, its ability to respond, and consequently the degree with which it should serve those in the drought-stricken areas.

The Senate Committee on Appropriations, responding to a resolution proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], called Judge Payne before it and interrogated him regarding the resources of the Red Cross and its program in the drought-stricken areas. He stated to us then that the Red Cross had set aside \$5,000,000 for that work and that he thought such sum would be adequate. He stated on that occasion that he thought a call for additional funds would be unnecessary.

Of Judge Payne's sincerity I raise no question, but the fact that within less than 10 days thereafter the Red Cross made a call throughout the country for contributions totaling \$10,000,000 serves to convince one that Judge Payne did not have an accurate concept of the situation at the time he appeared before the Senate Committee on Appropriations.

Later Judge Payne appeared before the Appropriations Committee of the House of Representatives and when asked about the resources of the Red Cross available for use in the drought-stricken areas stated that the total resources for all purposes approximated \$20,000,000. I desire to read what he said on that occasion:

Mr. BYRNS. Judge, I want to ask you this question, and I ask the question because I am not content to let it pass to the country that this proposed appropriation of \$25,000,000 is causing a failure on the part of the Red Cross to collect even \$10,000,000 as rapidly as it expected. I read in the RECORD the other day a statement made by a United States Senator, quoting from a report filed with the Speaker of the House, under the certification of the Secretary of War, that the Red Cross had a reserve

fund of more than \$30,000,000, but it is not proposed, so far as any statement has been made, that that is to be used in this crisis.

Now, do you not think, in these failing times, when everybody, rich and poor alike, are suffering in one way or another, that the mere fact that the Red Cross has that amount of money, if that statement be true, may have some effect upon some who otherwise would contribute and contribute very liberally, if they thought contributions were actually needed?

Mr. PAYNE. I think anybody who knows the Red Cross knows that that is not true.

Mr. BYRNS. I am not vouching for it. I am telling you what I read in the RECORD, Judge.

Mr. PAYNE. I quite understand. There was published—well, I do not think it was a newspaper but it got into the newspapers—that we had \$44,000,000, and it was necessary for us to make some explanation of what we had. Our explanation was published in the CONGRESSIONAL RECORD and is available to everybody. This is true, if I may say it, if we had that much money I do not think the Senate would have tried to give us that \$25,000,000.

Mr. BYRNS. The Senator made the positive statement and filed a list of \$28,000,000, I think, of bonds owned by the Red Cross. That appears in the RECORD.

The CHAIRMAN. Judge, have you any objection to stating what your permanent fund is upon which you do not draw but upon the return from which you rely for your operating fund?

Mr. PAYNE. Our endowment fund, and the fund that is substantially its equivalent, the two together, total somewhat in excess of \$10,000,000; perhaps about \$11,000,000. I do not remember the exact figures. Then we have a fund of, roughly, \$1,750,000, which has been set aside for the ex-service man's job, which we are still doing on a very large scale. We have in our general fund for all sorts of conditions, including a disaster that might happen to-day, \$4,600,000. That, roughly, is our situation.

Mr. HASTINGS. What do all of those funds aggregate, if you have it in mind?

Mr. PAYNE. They must run up to \$20,000,000; something like that.

Mr. BUCHANAN. This endowment fund of \$11,000,000, is that available for expenditure in case of a disaster?

Mr. PAYNE. Part of it not at all and part of it we could, I think, use.

Then later:

Mr. FRENCH. And you told us the amount was \$10,000,000 plus?

Mr. PAYNE. No; you misunderstood me. The amount of that is about \$6,000,000.

We have with that, which we treat as equivalent to an endowment fund, \$5,000,000. But in response to a question by Mr. BUCHANAN I said we could use it.

Mr. BUCHANAN. You mean the \$5,000,000?

Mr. PAYNE. Yes.

Mr. BUCHANAN. But not the \$6,000,000.

Mr. PAYNE. Not at all.

So in the statement thus made before the House committee the chairman of the Red Cross stated that, roughly speaking, they had \$20,000,000 for all purposes.

Mr. President, I hold in my hand a statement of the resources of the Red Cross made on January 12 last by Mr. James K. McClintock, its vice chairman in charge of finance, in the presence of J. D. Cremer, jr., assistant director of the Red Cross disaster relief, also in the presence of Mercer G. Johnson, director of People's Legislative Service. The statement is supported by the affidavit of Mr. Johnson to the effect that it was made by Mr. McClintock in the presence of Mr. Johnson, showing that the resources of the Red Cross are \$44,000,000, composed of these items:

Balance in funds, \$4,600,000; investment endowment, \$11,000,000; chapter and branch funds, \$7,700,000; appropriated for drought, \$5,000,000; committed, \$4,800,000. These items aggregate \$33,100,000. Added to that is expected revenue, \$8,800,000, and that totals \$41,900,000. Deducted from that is an item in this language:

Spent to January 31, \$2,100,000.

Undoubtedly that refers to December 31 or January 3, because the statement was made on January 12 and could not have included expenditures up to January 31.

I hold in my hand a photostatic copy of the itemization thus made by Mr. McClintock, it being in his handwriting, showing that the Red Cross had on hand, including the amount expended to some date in January, \$44,000,000. Can there be any doubt about the accuracy of that statement? I want to tell the Senate some of the items included in the assets as shown by the last report made by the Red Cross, certified to by the Secretary of War, as is required by the act of Congress.

On page 201 of the report is reflected the fact that the Red Cross had on hand cash in the sum of \$807,223.19. It also had on hand, according to the report, Government bonds of the book value of \$7,365,042.45. These were United States bonds, and in the following issues and respective amounts:

First Liberty Loan $4\frac{1}{2}$ per cent bonds due June 15, 1947, \$235,875.

Fourth Liberty Loan $4\frac{1}{4}$ per cent bonds due October 15, 1938, \$3,782,296.05.

United States Treasury notes, $3\frac{1}{2}$ per cent series, due March 15, 1932, \$2,500,000.

United States Treasury notes, $3\frac{1}{2}$ per cent series, due September 15, 1932, \$900,000.

United States bonds, $3\frac{3}{8}$ per cent, due October 15, 1947, \$2,444,000.

Total, \$7,365,042.45.

Then follows a list of commercial securities, stocks, and bonds owned by the Red Cross, of the total aggregate book value of \$12,367,961.17. In other words, the Government bonds and the private commercial securities owned by the Red Cross as of the date this report was submitted totaled \$19,733,003.52.

The report also reflects the fact that the Red Cross has an endowment fund totaling \$6,251,296.49. The items to which I have already adverted, cash on hand \$807,223.19, Government bonds \$7,365,042.45, commercial bonds \$12,367,961.07, plus its endowment fund of \$6,251,296.49, total \$26,791,523.20.

Added to that the balances in the various chapters of the Red Cross throughout the country of \$7,700,000 and the expected income during the year, based upon the income of previous years of \$8,800,000, would total \$43,291,523.20.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. BRATTON. I yield.

Mr. NORRIS. The Senator has included in that, has he not, the endowment fund of several million dollars? Of course he could not expect the Red Cross to use anything but the income from that fund.

Mr. BRATTON. That is true. I have suggested in the resolution that the Red Cross could use \$15,000,000, and that would not require any draft upon its endowment fund. I am merely stating the total resources of the Red Cross.

By the financial report submitted, the Red Cross is shown to have a relief fund for disasters of \$5,500,000. It also has a special reserve fund invested in securities of \$5,000,000. That is the fund to which Judge Payne obviously referred in his testimony before the House committee when he said that it could be used. It is called a special reserve fund. He catalogued it along with the endowment fund, but said the endowment fund is not subject to use, whereas the special reserve fund is subject to use.

Therefore, Mr. President, the Red Cross had on hand at the time this report was made, speaking in round numbers, \$43,000,000 less \$6,000,000, the \$6,000,000 deduction being its reserve fund, which would leave assets or resources of the Red Cross susceptible of use in case of an emergency well into the \$30,000,000.

According to an Associated Press dispatch appearing in the New York Times of Sunday last the total receipts for the nation-wide drive for this particular use was \$8,054,425, which runs the fund well into the \$40,000,000 without making any draft upon the endowed resources of the Red Cross.

Mr. President, I do not want to be understood as criticizing the Red Cross except to say that I believe it should have moved forward, and should now go forward, with more speed involving the use of more money than it has done up to date. I think it was too slow in gathering a full concept of the extent of the disaster. The disaster covers 22 States and involves hundreds of thousands of people. According to a press dispatch of the 12th instant, the Red Cross on that date was feeding 255,737 families scattered through 735 counties in 20 States. In other words, it is extending aid to people in 20 States, it is feeding 255,737 families, and its total

expenditures from the national organization up until this morning have been as follows:

In the 1930 seed program, \$275,783.20.

Cash grant made to chapters, \$5,597,786.46.

Field supervision and relief workers, \$157,271.21.

That makes a total of \$6,030,840.87. That is the amount the national organization has distributed in every form throughout the entire 20 States—\$6,030,840.87.

There should be added to that what the local chapters have done, as follows: From local funds, \$311,593.26; received and distributed in donated food and clothing, \$330,282.30; or a grand total from the national organization and the local chapters in money distributed, clothing and food received and distributed, \$6,672,716.43.

I understand that the program in connection with the seed activities began early last fall so that the figures which I have given the Senate cover the total expenditure in every form from some time last fall until now, which aggregate \$6,672,716.43.

But, Mr. President, as I have undertaken to show by figures which I think will not be controverted, that the Red Cross has assets and resources at its command, indeed within its treasury, which will permit it to go forward at a substantially more liberal financial pace, to bring a greater degree of relief to the drought-stricken areas, than it is doing. Without intending to criticize those who dominate the Red Cross, but, on the contrary, in a spirit of urging that the organization go forward I bring these figures to the attention of the Senate and have introduced the resolution which has been read.

There are some discrepancies in the figures given before our committee and those given before the House Committee on Appropriations. Upon those discrepancies I need not dwell. It seems to me that the photostatic copy which I hold in my hand and exhibit to my colleagues here in the handwriting of the financial secretary of the Red Cross, supported by an affidavit by Mr. Johnson that it is in his handwriting, showing the total resources aside from the nation-wide drive for the special fund for this particular purpose, would clearly indicate that the Red Cross might well speed up its program of relief.

The resolution should be adopted and express the sense of this body that the Red Cross is justified in doing so, especially, Mr. President, in view of the fact that the Red Cross took the position before Congress and before the country that it was prepared to deal with the situation and therefore was unwilling to accept for distribution the money proposed to be appropriated from the Federal Treasury. That was the action taken by the board of the Red Cross, presented to the House committee by the chairman, Judge Payne, when he made the following statement:

We had a meeting of the central committee yesterday, knowing that I was to be called before this committee. The central committee felt it to be its duty to discuss this bill and to instruct me as to the position which I should take with respect to it, and I take the liberty of reading the resolutions passed by the central committee yesterday.

Skipping now to the relevant part:

And it was further on motion unanimously voted: That it is the sense of the central committee that the Red Cross can not accept the administration of the funds for general relief purposes as provided for under the terms of the bill which has passed the Senate and is now pending in the House of Representatives.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. BRATTON. I yield to the Senator from Arkansas.

Mr. CARAWAY. I think the greatest reform that the Red Cross needs is to divorce itself from its political control.

Mr. BRATTON. I agree thoroughly with the Senator.

Mr. CARAWAY. I think if it is to be a work of charity, to be supported by the generosity of the American people, it ought not to be within the control of any political agent.

Mr. BRATTON. I am in accord with the Senator from Arkansas.

Mr. President, let me express the hope that the Red Cross will be a nonpolitical, a nonpartisan, a nonaffiliated institution. Let it be essentially a nation-wide organization, de-

voted to a mission of mercy and to the relief of suffering throughout the world. Forbid that the Red Cross shall become or remain identified with any political organization or any political party. Let it stand apart from all such influences or affiliations.

Mr. CARAWAY. Mr. President, will the Senator yield to me?

Mr. BRATTON. I yield to the Senator.

Mr. CARAWAY. Does the Senator have any doubt that the resolution adopted by the Red Cross which he has read is the expression of a political and not a Red Cross sentiment?

Mr. BRATTON. I entertain a strong conviction upon that question.

Mr. President, I have brought these figures to the attention of the Senate in a brief and summarized form. The Senate should know the situation; the country should become acquainted with it. The Red Cross should remain in the field. It should go forward with a larger program than it is now administering.

The American people are generous; the American people are not unmindful of suffering among their kith and kin; the American people will support the Red Cross. They will support any institution that is nonpartisan, nonpolitical, and which is devoted exclusively to a mission of mercy among humankind throughout the world.

Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. JONES. I think the resolution ought to go over under the rule, and I make that request.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. BRATTON. Mr. President, as a part of my remarks I send forward an editorial from the Washington News of the issue of January 30, 1931, entitled "Save the Red Cross," and ask to have it printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington News, January 30, 1931]

SAVE THE RED CROSS

Eleven men and women sitting around a table in Washington have marred the record of the American Red Cross as the greatest agency of mercy in the world. These 11, out of the Red Cross central committee of 18 members—have voted "that the Red Cross can not accept the administration of the funds for general relief purposes as provided for under the terms of the bill which has passed the Senate and is now pending in the House of Representatives."

We do not attack the Red Cross—the unselfish rank and file of members in the 3,500 chapters throughout the country which constitute that splendid relief organization. But we do challenge the judgment of those 11 board members who presumed to reverse the very purpose of the Red Cross and refused the duty laid upon the Red Cross by the congressional charter under which it operates.

Those 11—5 of whom were appointed by the President—are charged in Congress with acting under partisan political pressure by Hoover, who is also president of the Red Cross. That has not been proved. But certainly no one can deny that the astounding action of the Red Cross board is in direct line with the Hoover policy of preventing Federal relief for the unemployed who are starving.

The Red Cross board statement that it can not administer this proposed relief, if true, would be a complete indictment of the incompetence of that organization. But we have too much faith in 3,500 Red Cross chapters of the country—faith based on the record of those chapters during the war and in other emergencies—to believe that the Red Cross is unable to administer this relief.

It is not the efficiency of Red Cross workers and chapters that needs worry the country; it is the arbitrary and contradictory policy of the Red Cross board.

In line with the Hoover policy of minimizing the known facts regarding the extent of needed relief, Judge Payne as chairman of the Red Cross told the Senate committee on January 6 that the Red Cross fund of \$5,000,000 was adequate for all drought relief. Four days later he was forced to admit that he had misled the country and Congress, and so had to call for an additional \$10,000,000 fund from the public. If Hoover and the Red Cross board had not been minimizing the serious situation for many months, a large fund would have been raised long ago by the public and a Federal appropriation probably would have been unnecessary.

On January 6 Judge Payne testified to the Senate committee regarding the proposed Federal appropriation for unemployment relief which the Red Cross is not now touching:

"If the Congress of the United States should say that they want the Red Cross to do something, we would do it." And in

saying that, Payne was merely stating the obvious fact that so long as the Red Cross operates under a congressional charter for the specific purpose of administering relief in "national calamities," it can not honorably refuse to administer such a fund.

But on January 27 Judge Payne and his board voted to defy Congress and to refuse relief funds. What influence made Payne and the board reverse Red Cross policy within those three weeks?

Whatever the influence at work, the Red Cross board exceeded its authority—which is to administer relief, and not to make political policy.

Which brings us to the situation of Herbert Hoover, President of the United States and president of the Red Cross. He should disavow and have the Red Cross board disavow the political action of January 27. He must rescue the Red Cross from the political mud into which it is slipping under his administration. The future of this great and useful organization must not be risked for the purposes of politics.

ADJUSTED-SERVICE CERTIFICATES

Mr. VANDENBERG. Mr. President, I wish briefly to supplement the very able analysis which has been made by my distinguished colleague, the senior Senator from Michigan [Mr. COUZENS], this morning respecting the soldiers' adjusted compensation bill as it has come to us from the House.

Mr. JOHNSON. Mr. President, if the Senator from Michigan is going to discuss certain phases of the bill, which will soon be before us, as he only can discuss them, I ask if he will not permit the calling of a quorum?

Mr. VANDENBERG. I yield.

Mr. JOHNSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McGill	Shortridge
Barkley	Glass	McKellar	Smith
Bingham	Glenn	McNary	Smoot
Black	Goff	Metcalf	Steiwer
Blaine	Goldsborough	Morrison	Stephens
Borah	Gould	Morrow	Swanson
Bratton	Hale	Moses	Thomas, Idaho
Brock	Harris	Norbeck	Thomas, Okla.
Broussard	Harrison	Norris	Townsend
Bulkley	Hastings	Nye	Trammell
Capper	Hatfield	Oddie	Tydings
Caraway	Hawes	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Copeland	Hebert	Phelps	Walcott
Couzens	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Dale	Johnson	Ransdell	Waterman
Davis	Jones	Reed	Watson
Dill	Kean	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson
Fletcher	King	Sheppard	
Frazier	La Follette	Shipstead	

The PRESIDING OFFICER (Mr. COUZENS in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. TRAMMELL. Mr. President, I should like to try to secure the passage of a little bill which will not take more than two minutes, if the Senator from Michigan will permit me.

Mr. VANDENBERG. Mr. President, I can not yield for that purpose; I am sorry; but I shall relinquish the floor very shortly.

Mr. TRAMMELL. That is all right; but yesterday and to-day have been occupied by the discussion of extraneous matters, and I thought I might secure consideration of the bill I have in mind.

Mr. VANDENBERG. Mr. President, what I want to do is merely to summarize succinctly the points which the senior Senator from Michigan submitted at considerable and convincing length this morning, and I prefer to do it to-day rather than to-morrow lest doing so to-morrow might impede the passage of the bill itself. As the original author of the first bill suggesting this particular type of a loan plan for handling the adjusted service compensation certificate situation, I feel a particular responsibility to defend it against what I conceive to be either misconception of the net result which it will accomplish or else a deliberate effort to misrepresent it. So I want to submit in a summary form what I believe to be incontrovertible facts.

The thing that the Senate and the country, and particularly the press of the country, need is facts in connection with this problem. Facts and fancies are two totally different things, and they lead to two totally different conclusions.

It is the facts that I want serially to lay before the Senate in this array of conclusions. The facts defend this pending proposal and make it impregnable. The facts are reliable soldiers in this contest. They are as invincible as were the soldiers in whose behalf I make this mobilization.

Now, fact No. 1: On January 1 it is estimated that there were approximately 3,500,000 certificates in force, with a maturity value of about three and a half billion dollars. The figures can not be given with absolute accuracy, because the situation is changing from day to day, but the general picture is as I have indicated, to wit, three and one-half million certificates, totaling three and one-half billion dollars, and averaging approximately \$1,000 apiece.

That is fact No. 1.

Now fact No. 2: The 1931 loan privilege on the average certificate is 22½ per cent of the face of the certificate. The total loan value to-day, under existing law, precisely as the certificates are written at this moment and in the hands of the veterans, is approximately \$730,000,000. This is not 22½ per cent of the total, but the discrepancy is due to the differences in the actual privilege inherent in each certificate.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

Mr. VANDENBERG. I yield.

Mr. ROBINSON of Arkansas. How is the loan value to which the Senator refers arrived at?

Mr. VANDENBERG. It is arrived at by a series of progressive percentages, I may say to the Senator, which in 1930 were about 18 per cent, as I recall, this year 22½ per cent, and progress, for example, to 53.6 per cent in 1938, as I shall indicate a moment later.

Now fact No. 3—and may I repeat, Mr. President, that these are facts. I am as yet submitting no conclusions in this presentation, because it seems to me that the conclusions speak for themselves when the facts are apparent.

Fact No. 3: The total loans to date are approximately \$325,000,000, of which \$299,000,000, in round figures, has been loaned by the Government. In other words, there is to-day an unused loan privilege of approximately \$405,000,000 for which the Treasury is already liable. I can not emphasize fact No. 3 too much—that here is at this moment under the old law an unused loan privilege which represents an immediate and constant liability of \$405,000,000 which the veterans have a right to ask of the Treasury at this moment, in addition to the loans they have already made.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for an inquiry?

Mr. VANDENBERG. I yield.

Mr. ROBINSON of Arkansas. The statement just made by the Senator is that if those who are entitled to the benefits of the existing law avail themselves of it, the amount which the Senator has just stated, \$400,000,000, in addition to the amount already loaned, would be available for loans?

Mr. VANDENBERG. That is correct.

Mr. JONES. Mr. President—

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. JONES. In view of the condition of the country, I am interested to know how many applications are being made now for this money that is really available for the veterans.

Mr. VANDENBERG. I shall be very glad to come to that in a moment.

Now we have had three of the essential facts to which I have referred.

Fact No. 4—and this bears on the question that has just been asked me by the senior Senator from Washington: Up to now, 48 per cent of the certificate holders have used 43 per cent of their existing loan privilege.

Now, fact No. 5: The pending measure, increasing the loan privilege to 50 per cent of the face, adds a grand maximum of approximately \$1,000,000,000 to the loan privilege; but if the same percentage of loans persists under the new privilege as under the old, it will add about \$430,000,-

000 to the outstanding loans. A 10 per cent increase would carry these loans to \$473,000,000. It would take a 15 per cent increase in borrowers to bring the new loan to half a billion dollars.

Let me make this very plain.

If the veteran, under the right which he obtains under the proposed new plan, exercises his option in the same degree that the veteran has exercised his option under the old plan and under the dire economic pressure of the last 18 months, the new plan will involve a total of \$430,000,000 in loans.

Mr. JOHNSON. Mr. President, will the Senator permit a question there?

Mr. VANDENBERG. I yield.

Mr. JOHNSON. Is there any evidence as to whether or not there has been an increasing endeavor to obtain loans in the last 12 months, or since October, 1929, when we had the first smash?

Mr. VANDENBERG. Mr. President, that subject was discussed in the House report upon this bill, which I have not at hand. My recollection is that the percentage of loaners has continued practically at the same progressive rate straight through, even into January and February of this year, with an increase in these latter months.

Mr. JOHNSON. The object of my question, of course, is obvious, because if it has increased during this time of stress practically not at all there is no reason to imagine that it will increase in percentage in the days to come.

Mr. VANDENBERG. I agree with the Senator's conclusions. I think there has been an increase, but I think the increase is of no appreciable bearing in contemplating the ultimate burden of the pending proposal. I shall obtain the definite information and submit it later. Let me preface fact No. 6 by repeating the conclusion I have just submitted—that if the same percentage of loaners persists under the new plan as under the old, the demand upon the Treasury will be for \$430,000,000.

Now, fact No. 6: This figure—namely, \$430,000,000—is therefore the additional financing required by the pending plan, if the experience of the past is any true criterion for the future.

Such a sum, let it be noted, is little more than the Treasury already is obligated to make available under existing law if all veterans were to embrace existing loan values.

I hope I make that plain. The loan liability of the Treasury to-day to all veterans holding certificates as yet unused is no greater than will be the demand upon the Treasury if the same percentage of veterans who embraced the old loan privilege ask for all at the new loan privilege in addition to the old.

Fact No. 7: This figure—namely, \$430,000,000—is covered by Treasury certificates of indebtedness in the compensation certificate maturity fund, with \$326,000,000 in Treasury certificates left over in addition. These securities belong to the compensation fund, and legitimately deserve to be used for the best advantage of the beneficiaries of the compensation fund; namely, the veterans who own the compensation certificates and who earned them 13 years ago.

Mr. JOHNSON. Mr. President, will the Senator give those figures again, please, as to what remains on hand that may be used, belonging to the veterans?

Mr. VANDENBERG. There is now, in round figures, \$750,000,000 of certificates of indebtedness in the maturity fund. It has not been drawn upon, except in a very small measure, for any loans up to date, because heretofore the loans have been made out of the war-risk-insurance fund. Therefore, all of that fund except a few million dollars is intact for these loaning purposes; and after \$430,000,000 is taken out of that certificate fund and turned into cash for the purpose of making loans, there will still remain \$326,000,000 of these certificates in the maturity fund in the Veterans' Bureau. Surely these funds are dedicated in trust to the best contemporary use in behalf of the veterans so long as the maturity of the certificates is invincibly protected.

Now, fact No. 8: To finance \$430,000,000 of additional soldiers' loans, the Treasury, of course, must redeem for

cash an equivalent amount of these certificates of indebtedness which the Treasury has deposited in the maturity fund. Now, mark you, it is significant that \$403,000,000 of new money can be made available for this purpose in the course of the next fiscal year by the present annual appropriation to the Government's general sinking fund. In other words, in the course of the next 12 months the Treasury will have \$403,000,000 as a result of our annual appropriations for the purpose of reducing the public debt; and under the law it can choose which portion of the public debt it will reduce. It can nominate to retire certificates of indebtedness precisely as it might nominate to retire Liberty bonds; and it can retire \$403,000,000 of these particular certificates which at this moment are in the maturity fund in the Veterans' Bureau; in which event, if my calculation is remotely accurate, there is no need for any serious external financing beyond the temporary financing until this year's annual appropriation for the sinking fund is available.

Furthermore, as bearing upon the availability of investment money for this short-time financing pending the ultimate balancing of the project, I think it is significant to note that the Treasury recently was offered four times its needs when it sought \$400,000,000 of cheap money last November or December, and that only upon last Friday the Treasury sold \$175,000,000 of 3-month notes on a basis of 1 per cent per annum.

Now, fact No. 9: Even if the total loans exceed these expectations—and I would not for a moment indicate that we should not contemplate the possibility that the loans will exceed these expectations—even if they do largely exceed these expectations, I want to emphasize the fact that handling them is only a credit operation and does not involve a penny's addition to the total value of the adjusted compensation itself. It does not involve, therefore, any additional tax burden at any point in the calculation, because the Government at all times is protected to the full amount of the principal and interest of its loans. In other words, the plan is absolutely self-contained and requires no external values. It merely recognizes and makes available heretofore frozen values already inherent in these compensation certificates.

Fact No. 10: If this insurance—and this is a very interesting point, too—if this insurance were regular 1-payment, 20-year endowment insurance of the average old-line type, the loan value to-day would be 53 per cent instead of 50 per cent, as proposed by the pending bill. So far as the veteran is concerned, it certainly is a 1-payment policy, because he paid for it in full with his priceless service seven years before it was issued. It was handed to him as a policy paid in full; and the fact that the Government elected to amortize it by serial payments instead of by one lump sum can not alter its character or the horizon of its obligation in the hands of the veteran. Therefore, certainly no new or revolutionary insurance theory is involved in this contemplation.

Fact No. 11: Even on the basis of the existing terms of the compensation certificates as figured by the Government, their loan value would reach the same 50 per cent some time in 1937. To be absolutely scrupulous about it, in January, 1937, the loan value will be 48.5 per cent, and in January, 1938, it will be 53.6 per cent. In other words, the only thing we really are doing is to move the loan privilege ahead by six years. Surely this is the least we can do to help the veteran to help himself out of his own collateral. I confess that I am amazed that there should be any opposition at all.

Mr. President, those are facts which I think can not be controverted; and in the face of a factual situation of this sort, the thing I can not understand is why this program should be opposed by the Treasury and should be met with such utterly vitriolic attack in some of the great newspapers of the country.

I want to refer to just one or two exhibits. I want to refer to the New York Times, which, may I say, I consider to be a newspaper dedicated whole-heartedly to fair play,

a newspaper upon which I would completely rely for a square deal in the presentation of facts.

Mr. President, when Mr. Owen D. Young came to Washington and submitted a loan plan to the Committee on Ways and Means of the House, the New York Times editorially approved the program which he suggested. This morning it attacks in unmeasured condemnation the plan which the House of Representatives has approved, and which I think the Senate is about to approve and which closely follows my original suggestion. I want to see just what the difference is between the Young plan, which was entitled to this approval, and the pending plan, which is said to be so vicious.

In the first place, I am not quite sure what the Young plan was, because, as I read the testimony, I find that Mr. Young himself did not make himself clear. But if the answers which he gave to questions as I read from pages 371 and 372 of the hearing are a criterion, he intended to add this 50 per cent loan privilege to the existing privilege which the veteran enjoys:

Mr. TREADWAY. And your suggestion is to add the amount over and above that?

Mr. YOUNG. Over and above; yes.

Again:

Mr. YOUNG. * * * We advance perhaps 40 per cent of the face of those certificates over and above the existing loans.

If he meant to add a 40 or a 50 per cent loan privilege to the existing privilege, he meant a loan privilege of 62 per cent or 72 per cent instead of 50 per cent. That, perhaps, is one difference between the two contemplations, but certainly not a difference which would account for this difference in newspaper attitude toward it. On the contrary, it should make the pending plan more rather than less palatable to this newspaper's analysis.

The fundamental difference, I apprehend, however, is that Mr. Young proposed to confine this loan privilege to needy veterans, permitting some bureau of the Government or some extraneous umpires to decide which veteran is in need, whereas under the plan as it now impends we propose to let the veteran decide for himself what his need is, and to what extent he shall call upon his own money to meet his own need. That, fundamentally, is the only difference between the two situations, and if that is the only difference, I submit that the plan which was so good when Mr. Young submitted it can not have become the heinous thing which it is said to be to-day, unless those who are responsible for the comment do not understand the legislation as it impends in the Congress.

Let me give another example, this time of the New York Herald Tribune, another splendid newspaper for which I have the highest respect, and which has spoken, let me add immediately, with some degree of sympathy for this pending loan plan to settle the adjusted-compensation situation. But here is an editorial in which it is said:

The compromise bonus bill is vicious in principle.

What is there vicious about it in principle, unless every old-line-insurance policy that has ever been written is vicious in principle, because every one of them has included a loan privilege, every one of them leaves to the insured the right to nominate when he shall embrace his loan privilege, and, as I have already indicated, the loan privilege under a comparable insurance policy to-day in an old-line company would be 53 per cent, instead of the 50 per cent which the Government proposes to allow. How can this pending proposal be vicious in principle under those circumstances?

I read further:

Not only is it vicious in principle, but it has no warrant in economics.

If it has no warrant in economics, then no old-line-insurance policy has any warrant in economics, and I can think of nothing farther from the fact.

I do not believe that the baneful comments upon this pending legislation grow out of anything except a misconception as to what it is and why it is, and it is for that reason that I am pleading for an honest assessment of the facts as they are, so that our conclusions may be fair to

ourselves, as well as to these wards of the Government, to whom we stand in this eternal debt.

I submit in conclusion, as I did in the beginning, that any fair assessment of the pending program must carry with it no sense of fear to the body politic, no sense of danger of an upset fiscal situation in the Nation, no possible degree of tax disaster; on the contrary, it simply represents the irreducible minimum of our obligation in unfreezing inherent values which already exist in these veterans' compensation certificates, and which it is the purpose of Congress simply to make liquid for the benefit of the veteran in his great need. In justice and in common sense we can not do less.

Mr. VANDENBERG subsequently said: Mr. President, in the course of my observations this afternoon on the adjusted compensation act the Senator from California [Mr. JOHNSON] asked me a question to which I was unable at the time to give a complete answer. I have now secured the information and desire to say that on the question of whether loans are increasing, Mr. BACHARACH, author of the pending bill, speaking in the House at page 5071 in the RECORD, said:

There has been considerable comment upon the amount borrowed by the veterans so far this year as compared with 1930. The officials of the Veterans' Administration state that \$20,000,000 was borrowed in January of this year and for February the borrowings would range from \$10,000,000 to \$12,000,000.

It is therefore important to note that with all the agitation that has been going on, both in Congress and throughout the country, in support of the various bills that have been introduced in Congress for the relief of the veterans—some of which appeared as early as May of 1929—the total increase in loans for the first two months of this year—right at the time when the country is feeling the worst effects of depression—is less than \$6,000,000 over last year.

On this same question General Hines testifies that the loans are increasing and that they averaged \$1,000,000 a day from January 1 to January 23. This undoubtedly included the peak of the increased loans permitted under the existing law, when we passed into the regular 1931 loan bracket, permitting an increase in all loans. The loan record for 1930 was as follows:

Number	Per cent of decrease or increase	Amount
214,370.....	50	\$14,146,353.90
142,873.....	53	11,476,035.72
100,035.....	20	9,752,138.36
85,905.....	21	8,072,963.64
68,902.....	24	6,663,584.52
63,536.....	29	6,120,958.14
61,826.....	29	6,076,320.44
57,294.....	40	5,730,169.69
48,967.....	57	5,172,350.40
50,699.....	39	5,349,074.96
48,753.....	26	4,974,764.30
67,755.....	18	6,774,892.19
Total (1,011,005).....	35	90,309,606.26

MUSCLE SHOALS

Mr. BROCK. Mr. President, the first survey of Muscle Shoals was in 1828, and the first appropriation for the development of the water power at that point was in 1831. In recent years there has been an investment of public money at Muscle Shoals of \$127,000,000, of which \$83,000,000 is invested in a nitrate plant.

Considering the magnitude of that nitrate plant, considering what it would mean to our section of the country, considering the fact that it has been idle, with an \$83,000,000 investment, for 10 years, I sometimes wonder what the country thinks of this long and prolonged delay in operating that plant.

I do not see why we should not have some consideration given to that matter by the Government. I know what our people want, and I know that they have grown tired and impatient waiting for something to be done with that enormous plant. Yet for practically 12 years the subject has been discussed on the floor of the Senate, and for 12 months legislation involving the disposition of this plant has been in the hands of the conferees, and they are still

deliberating and the public waiting as to what will be the outcome.

In the meantime, that magnificent plant, which is idle, and the future disposition of which is unsettled, is not being used for the relief of the people in that section of the country, who are anxiously waiting for something to be done for or against an agreement in regard to Muscle Shoals legislation.

This development is the key to the entire river development in our section of the country. The Cove Creek Dam is the headwater storage dam. As long as the Muscle Shoals problem, which carries the Cove Creek Dam with it, is unsettled, and continues to be a political football, the development of one of the greatest of our God-given resources is blocked.

A most complete survey has been made by the War Department of the Tennessee River. They have made some recommendations for the development of our river into a 9-foot year-around navigable channel. This was adopted on July 3 and is part of the river and harbor bill of that date. Yet we are told that without Muscle Shoals and Cove Creek out of the way this development will be delayed for years to come. The entire project is waiting for something to be done on Muscle Shoals, yet in the river and harbor bill it is adopted upon the recommendation of the War Department as a \$75,000,000 project connecting us up with the great inland waterway system of 12,000 miles through a section of the country that will serve as a great feeder to the Mississippi River.

Yet with all this, for some reason unknown to our people, we seem to be on the blacklist. It seems to be the desire that we shall not have anything down at Muscle Shoals. Everyone seems to be willing to sew up all these undeveloped God-given resources that belong to us. If the \$83,000,000 project is going to retard our development of the entire river for a distance of 652 miles, we would have been better off without it. Yet our sister States, the Carolinas, Georgia, and Alabama, are going right ahead developing their power resources, attracting the big interests to those States to use the power. But Muscle Shoals down in Alabama and the Cove Creek Dam in Tennessee are being played with in Washington as a political football.

Mr. President, as I stated yesterday, I have no brief for the power interests, the fertilizer interests, or the interests who do not want anything done except to continue playing. But in the interest of unemployment in our section and in the interest of farming in our section we are entitled to have something done. The farmers are going bankrupt; they are hungry and cold. I claim it is more important to operate the nitrate plant at Muscle Shoals and to give the farmer cheap fertilizer than it is to make it purely a power project. If power is more essential to the farmer than fertilizer, then the Senate made a mistake in the recent drought relief bill not to have allocated some of that money to buy cheap power for the farmers down in our section.

We find ourselves, so I am reliably informed, with the only difference between the conferees on the part of the House and the Senate being a question of whether the lessee shall be allowed to have 15 kilowatts for other purposes to each 100 kilowatts that he might use for making fertilizer. The farmer, of course, must be protected. We want him protected. We want him to have preference. We want him to have the benefit of the investment.

On the other hand, Mr. President, we must think something about the lessee. We want the lessee to be successful. We want to give him a little power for other purposes. Otherwise it would not be right to have in the bill a provision that he can only make 8 per cent profit. As fertilizer is a seasonal product, he must have a little extra power to make the incidentals necessary to make the plan operative in an effective way.

Mr. President, I ask permission to insert in the RECORD at this point as a part of my remarks a statement issued by the Chamber of Commerce of Florence, Ala.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement is as follows:

FACTS ABOUT MUSCLE SHOALS NITRATE PLANTS

Why not manufacture fertilizer for the farmers in an American plant which is standing idle, using water power which is going to waste, and American labor sorely in need of employment?

Among many plans suggested for the relief of the farmer, the one offered by Mr. Carl Williams, of the Federal Farm Relief Board, seems worthy of most careful consideration.

Mr. Williams suggests that the amount of cotton which can be profitably marketed be grown on two-thirds of the present acreage devoted to that crop. This idea can profitably be carried out in growing other farm crops.

This would save the cost of preparing, planting, and cultivation of many millions of acres, which could profitably be used in forestry, pasturage, and the growing of forage crops.

This, however, would require more intensive fertilization, and can not be carried out unless the farmer can be supplied with cheaper fertilizer. He can not profit by the use of fertilizer at the present high cost to grow farm crops at prevailing prices.

The proper settlement of the Muscle Shoals problem offers the American farmer relief from the present high cost of fertilizer.

PLANTS NOT OBSOLETE

Foreign fertilizer manufacturers, using the same process for which plant No. 2 at Muscle Shoals was constructed, are now underselling our domestic producers. German producers buy Florida phosphate rock, transport it to a German port, thence up an inland waterway 135 miles, thence by rail 100 miles, where the phosphoric acid derived from the Florida rock is mixed with air nitrogen and natural potash salts. A highly concentrated fertilizer containing 30 per cent phosphoric acid, 15 per cent nitrogen, and 15 per cent potash is produced. This product is then shipped to the United States and sold at prices per unit of plant food considerably lower than the product of our domestic producers.

This fertilizer can be made at Muscle Shoals and save the farmer the tremendous transportation charges on both raw material and the finished product and at the same time give employment to American instead of foreign labor.

Plant No. 2 at Muscle Shoals was completed 12 years ago. The operation of this plant during this time would have saved our farmers many millions of dollars. A test run, using one-tenth the capacity of the plant, was made in November, 1918, with inexperienced labor, and nitrogen was produced at a cost below what our farmers have ever paid. It was estimated by ordnance officials in charge of the test that under full operation with an experienced force nitrogen could be produced at approximately half the cost of Chilean nitrate.

A few leading Alabama farmers used concentrated fertilizer on their 1930 crop with wonderful results, notwithstanding the severe drought.

As a result the Alabama Farm Bureau has contracted for a large tonnage of concentrated fertilizer for the use of their membership on the 1931 crop. Ammonium phosphate A, containing 48 per cent phosphoric acid and 13 per cent ammonia, cost them \$65 per ton delivered and ammonium phosphate B, containing 20 per cent phosphate acid and 20 per cent nitrogen, cost \$55, saving 30 per cent.

The bureau officials realize that many farmers will have to be educated in the economy of using concentrated fertilizer and are considering the following plan as a beginning:

Make a mixture of 500 pounds of ammonium phosphate A and 200 pounds of muriate of potash with 1,300 pounds of finely ground agricultural lime to make a ton analyzing 12 per cent phosphoric acid, 3 per cent ammonia, and 5 per cent potash. The material for this mixture will cost \$22.05. The commercial fertilizer producers are asking \$33 cash for this analysis.

The nitrogen in the fertilizer bought by the Alabama Farm Bureau is air nitrogen and is manufactured at Niagara Falls, Ontario. It is there shipped 500 miles by rail to Warners, N. J., where it is mixed with superphosphate made by the sulphuric-acid process from phosphate rock from the west coast of Florida. The sulphuric acid used is made from sulphur shipped from southern Texas.

The Ontario plant is in every respect like plant No. 2 at Muscle Shoals except that gases from the coke and lime ovens are now used in making the carbide absorb and retain a larger percentage of nitrogen. Labor-saving equipment has also been installed in recent years. This plant is also 50 per cent larger than plant No. 2 and is capable of producing fertilizer containing 80,000 tons of fixed nitrogen per annum.

The plant at Muscle Shoals has every advantage in the economical production and distribution of fertilizer. Vast deposits of phosphate rock are located 50 miles above Muscle Shoals on Elk River. Contemplated navigation improvements will enable the raw rock to be brought to plant No. 2 in thousand-ton barges. The necessary coal and limestone are near by and in great abundance. The superphosphate can here be produced by the electric-furnace process, using cheap secondary hydro power instead of the more expensive acid process.

It is apparent that transportation costs of the raw material and the finished product are negligible when compared with the two cases cited above.

As an economic proposition, why not manufacture fertilizer for our farms in an American plant which is standing idle, using water power which is going to waste and American labor sorely in need of employment? Taking into consideration the economies avail-

able at Muscle Shoals, it is undoubtedly safe to estimate that ammonium phosphate B can be made and sold at \$35 and ammonium phosphate A at \$43 per ton.

At the above price of ammonium phosphate A the cost of the material for the 12-3-5 mixture proposed by the Alabama Farm Bureau would be reduced to \$16.55 per ton, as against \$33 now asked by our domestic producers of commercial fertilizer.

Mr. BROCK. Mr. President, if the conferees do not agree on something to-morrow, when there is only one point of difference between them, namely, whether for each 100 kilowatts of power used for the manufacture of fertilizer the lessee is to be allowed to buy 15 kilowatts of power for other purposes, who is suffering from the delay? It is not the power interests. It is not the fertilizer interests. It is not the interests who do not want any legislation of any kind. It is the people who are suffering.

Mr. BLACK obtained the floor.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I do.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	McGill	Shortridge
Barkley	Glass	McKellar	Smith
Bingham	Glenn	McNary	Smoot
Black	Goff	Metcalf	Steiwer
Blaine	Goldsborough	Morrison	Stephens
Borah	Gould	Morrow	Swanson
Bratton	Hale	Moses	Thomas, Idaho
Brock	Harris	Norbeck	Thomas, Okla.
Broussard	Harrison	Norris	Townsend
Bulkeley	Hastings	Nye	Trammell
Capper	Hatfield	Oddie	Tydings
Caraway	Hawes	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Copeland	Hebert	Phipps	Walcott
Couzens	Heflin	Pine	Walsh, Mass.
Cutting	Howell	Pittman	Walsh, Mont.
Dale	Johnson	Ransdell	Waterman
Davis	Jones	Reed	Watson
Dill	Kean	Robinson, Ark.	Wheeler
Fess	Kendrick	Robinson, Ind.	Williamson
Fletcher	King	Sheppard	
Frazier	La Follette	Shipstead	

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

Mr. BLACK. Mr. President—

Mr. SMITH. Mr. President, before the Senator from Alabama begins his speech, will he yield to me merely to make a statement?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from South Carolina for that purpose?

Mr. BLACK. I yield.

Mr. SMITH. Mr. President, I understand the conference committee is to have a meeting to-morrow, which will be about the fifteenth or twentieth meeting of the conferees on the question of Muscle Shoals. I have refrained from making a speech in the Senate, thinking, perhaps, that we might work out some satisfactory adjustment of this matter, and I wish that those who are in earnest in relation to it would give the conferees the credit, at least those on the part of the Senate, of being sincere in trying to carry out the purpose to which the Muscle Shoals project was dedicated, and which has involved the expenditure of a great amount of money. Now, on the eve of another meeting, which seems to hold out some hope, I should prefer to have that meeting held without there being any prejudice pro or con. Let us try to attain a satisfactory conclusion.

So far as I am concerned, I am not going ever to give my consent to any kind of a compromise which has in it the possibility of the whole project being easily diverted, under the terms in which the compromise is framed, to some other use than that originally contemplated, and thus kill the hope we have held out to the farmers through all these years that this project would be for their benefit.

I am willing to go to the limit of safety and common sense in bringing about a compromise that will result in the production of fertilizer and fertilizer ingredients at Muscle Shoals, but I certainly am not going to give my consent to have the compromise framed in such words that, without any great difficulty on the part of the lessee, the project

may be converted into uses which may be more profitable to him than the manufacture of fertilizer.

Mr. BLACK. Mr. President, as I understand, the House conferees have publicly stated that they are willing for anyone in the Senate or out of the Senate to draw an agreement so that there will be no question whatever about the meaning of the compromise which they have offered. In so far as I am concerned, I am not questioning the sincerity of any member of the Senate or the House conferees; I have had no idea of doing so; but if it is within my power, and I can speak long enough, and if there are enough Senators here to stand for the rights of the people to join me and speak long enough, there will be no further appropriation bills passed at this session until Muscle Shoals legislation shall have been agreed on in conference. I do not want any misunderstanding. It is unreasonable and unfair—

Mr. SMITH. Mr. President, may I ask the Senator from Alabama a question?

Mr. BLACK. I will yield to the Senator in just a moment.

It is unreasonable and unfair to the people of the South and to the people of the Nation to go on the theory that everything is of importance except legislation as to Muscle Shoals, and to push and rush everything else through, while at the same time the farmers of the Nation are buying their fertilizer imported from Chile, supporting the Chilean Government with unjust tribute wrung from the pockets of the farmers of the South. The time has come when there must be compromise. No important legislation ever passed both Houses of this Congress without a compromise. I now yield to the Senator from South Carolina.

Mr. SMITH. No; the Senator may proceed.

Mr. BLACK. So far as I am concerned, I shall support legislation which comes from the conference committee. I am confident that no legislation will come from that conference committee that is of such a nature that I can not support it. What we do want, what we beg for, and what the people plead for, is that something may be done now.

Who is now getting the benefit from the delay? The Alabama Power Co. and the fertilizer companies. Who else is getting the benefit? Nobody. Every day's delay means that more money is going into the coffers of the power companies and the fertilizer companies.

Mr. TYDINGS. Mr. President, will the Senator from Alabama yield to me?

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield to the Senator.

Mr. TYDINGS. It may seem like a perfectly ridiculous question, and I do not know that such a plan would be feasible, but I was merely wondering if the Government would give this plant to the State of Alabama, without any charge whatsoever, except with the provision that the Government could use it in time of war if it were needed, whether the State of Alabama would not be glad to take it, to float a bond issue, and complete such other improvements as may be necessary in order to make fertilizer and to furnish power, to be sold at cheap rates to the people of the South?

Mr. BLACK. In so far as I am concerned, as one Senator from Alabama, of course, I would welcome the gift of such a valuable project to my State; but as a Representative in the Congress of the United States I would think it unfair to the Federal Government to give it away.

We are importing into this country practically a million tons of Chilean nitrates, which are dug out of the ground and produced with Chilean labor. A large part of the money derived goes to the Guggenheim interests in New York, which have obtained approximately 50 per cent control of it. In the meantime, the farmers are deprived of the benefit of buying fertilizer at a reasonable rate.

Mr. SMITH and Mr. TYDINGS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Alabama yield; and if so, to whom?

Mr. BLACK. I yield first to the Senator from South Carolina, and then I will yield to the Senator from Maryland.

Mr. SMITH. I think that the inference can be drawn from the Senator's statement—and I think it is correct—that fertilizer can be produced there at a sufficiently low cost as to be of benefit to agriculture. If that is true—and I believe it to be true—why do we need to hold out to a lessee an inducement in a way that might jeopardize the production of fertilizer there? If it can be produced at a profit, why not, either through a lessee or through the Government, require the operator of the plant at least to go far enough to demonstrate, as I believe it can be demonstrated, that it can be operated for the benefit of the farmer? We are impeaching our own purpose when we declare before we ever start that we have got to compromise and as a bonus provide some source of profit other than the manufacture of fertilizer.

Mr. BLACK. I shall be glad to answer the Senator from South Carolina. Would the Senator from Maryland prefer that I answer his question now or wait until I reply to the Senator from South Carolina?

Mr. TYDINGS. I will do whichever the Senator wishes.

Mr. BLACK. Well, if the question the Senator from Maryland desires to ask is along similar lines I shall be glad to answer them both together.

Mr. TYDINGS. My question is not along the same line. I should like to ask the Senator from Alabama, in all seriousness, if it would not be possible to solve the Muscle Shoals problem on somewhat the same lines that the Boulder Dam problem was solved, namely, to have the States of, say, Florida, Georgia, Alabama, Mississippi, Tennessee, South Carolina, and other States in that vicinity enter into an interstate agreement each to put up a part of the money necessary to finish this plant in order to manufacture fertilizer, and then come before the Federal Government with the proposition that if the Government would turn the plant over to them, subject to a recapture clause in time of war, the States would undertake to finance the completion of the project and to manufacture the desired commodities for that particular locality.

If the people in the States affected are so interested—and I am sure they are—in seeing this plant developed and in having fertilizer and power furnished, I believe they could get together, pay for the additional improvements needed, and ask the Federal Government to turn the property over to them, so far as it is completed, thus enabling them to manufacture fertilizer and produce power for the people of that particular group of States. I am of the opinion that if something like that were presented to the Congress it would very quickly accept the proposition, and the States that desire this improvement would have it at their back door.

Mr. BLACK. I shall be glad to reply to both Senators. I will state first to the Senator from Maryland that, in my judgment, it would be unwise to inject any new issues into the controversy at this time, when there is a possibility that the conferees may come to an agreement.

Now, replying to the Senator from South Carolina, let me say that, in so far as I am concerned, I shall gladly support a conference agreement if it is brought here which adopts either the plan outlined by the Senate conferees or the principle outlined by the House conferees at the present time as I understand that principle to be. I am not quarreling with either idea, but I do say that we are too close to an agreement in this matter at this time not to agree on legislation affecting Muscle Shoals before other appropriation bills pass this body.

The Senator asked me a question.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BLACK. I should like to answer the question of the Senator from South Carolina first, and then I will gladly yield to the Senator from Maryland. I am not going to defend the position, but I shall give the Senator the arguments which are advanced. I understand that the Senate conferees have agreed on a leasing provision which authorizes the use of all the power necessary to manufacture fertilizer and fertilizer ingredients and by-products necessarily resulting therefrom. I understand that the House conferees

have publicly stated—whether the statement has been put in writing or not in such a way as to carry out the terms I can not say—that what they wish in addition to that is that the lessee shall be given the right to purchase from the Government 15 per cent of as much power for the manufacture of chemicals other than fertilizers as they obtain for the manufacture of fertilizer. As I understand, that is their proposition.

Mr. SMITH. Mr. President, if the Senator will allow me, the proposition that the chemicals shall be made out of ingredients that are usable for fertilizer.

Mr. BLACK. I so understand. So that, in so far as the power is concerned, it gets down to a proposition of a difference of 15 per cent of the amount of power which is actually used for the manufacture of fertilizer; so that if 100 kilowatts were used for the manufacture of fertilizer, 15 kilowatts would be used for the manufacture of the other chemicals.

That, as I understand, is the difference with reference to the power. Whether or not that has been stipulated in a written offer I can not say; but, of course, it would be very easy for the able members of the conference committee to stipulate that principle, so that there would be no question about the result.

Now, coming to the difference in power—

Mr. NORRIS. Mr. President—
The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. I yield to the Senator from Nebraska.

Mr. NORRIS. I should like to say to the Senator, so that there may be no misunderstanding about this so-called 15 per cent in the House conferees' proposition, that that applies only to the processing of the raw materials that are ingredients of fertilizer.

Mr. BLACK. I was just coming to that.

Mr. NORRIS. I will not interrupt the Senator now if the Senator wants to go on, but I know what the proposition is, I think; and I want to state it to the Senator, so that there will be no misunderstanding.

Mr. BLACK. I shall be glad to have the Senator do so.

Mr. NORRIS. I have it in my pocket in writing, for that matter.

For illustration, nitrogen will be one of the chief things that will be manufactured there in the production of fertilizer. In fact, that was the great ingredient and is the principal ingredient for which the machinery down there and the power were brought about. The 15 per cent applies only to taking the product after the power has been used to produce nitrogen.

As the Senator knows, nitrogen is a fertilizer ingredient. Instead of using it for fertilizer, the House conferees' proposition would enable them to use every kilowatt of power there is there to manufacture nitrogen. They would use 15 per cent to take the nitrogen and put it into various forms, perhaps 100 different kinds of articles, and sell them in the chemical world.

So that the 15 per cent proposition is nothing in the world but a joker. It would not take 15 per cent to finish the product after they had gotten it in the form of nitrogen. The great bulk of the power will be utilized in getting the nitrogen; and there is no limitation on that. They could use it all to produce nitrogen. I understand that it would not take 15 per cent, after the nitrogen has been obtained, to put that nitrogen in the various forms in which it could be sold all over the world in various chemical products.

So, reduced to a practical matter, the proposition is that if it is necessary they can use all the power at Muscle Shoals to create nitrogen, and then use 15 per cent of that power to transform the nitrogen into various chemical products, and process it so that it can be sold upon the market. So it does not mean anything; it does not mean a single pound of fertilizer for the farmer. As the Senate conferees understand the proposition—and we are unanimous on our construction of it—it simply means that it would enable the lessee to establish at Muscle Shoals a great chemical factory

practically at the expense of the Government of the United States, and utilize that property for that purpose.

Mr. BLACK. Mr. President, in so far as any offer is concerned which would permit the result outlined by the Senator from Nebraska, I should oppose it; but, in so far as an agreement is concerned which would carry out the idea expressed by the House conferees as to what they desire to have, I should not oppose it. If it comes to drawing up a proposition which really amounts to that which they claim their offer is intended to be, I should not oppose it, because, in my judgment, the difference would be too small.

I do not care to go into these propositions; but I have been handed an amended proposal which the House conferees have stated they would agree to, which in my judgment, from a casual investigation, would carry out their purpose. The proposal would provide that after they had reached the limit of fertilizer production they could not continue to manufacture anything else except fertilizer.

The House conferees state that they are willing to have some kind of a settlement whereby the rights of the farmers and people engaged in agriculture shall be protected, and whereby only 15 per cent of the power used for the manufacture of fertilizer shall be used for the manufacture of other products. I do not care to engage in any controversy on that point. All I want is a bill which protects the people's rights. I think I can point out to the Senator from Nebraska one proposition which would result in advantage to the farmer in the production of fertilizer if it carried out the idea which the House conferees have publicly stated they desire to carry out; it is this:

The Senator from South Carolina [Mr. SMITH] asked me about that matter; and I shall be glad to suggest one point which if written up should be an advantage instead of a disadvantage.

The lessee will be limited to 8 per cent profit on his fertilizer. We all know that. That is provided in the agreement. There is one thing we want to guard against, and that is just such a proposition as was outlined by the Senator from Nebraska a few moments ago, and by the Senator from South Carolina previously. That is, we do not desire to leave any loophole that would permit the diversion of the power for the manufacture of chemicals other than fertilizer, because, if that should occur, it would divert the power from the source to which it was dedicated; and none of us would want any such thing done.

Mr. SMITH. Mr. President, if the Senator will yield—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Carolina?

Mr. BLACK. I do.

Mr. SMITH. The proposition is this: Every kilowatt might be used to produce fertilizer and fertilizer ingredients. When you have reached, according to the terms of the bill, a certain amount which might be in excess of demand, then you use 15 per cent in refining the elements you have already produced with 100 per cent; and if it were found that the cost of the fertilizer and the fertilizer ingredients was such that it was not profitable either to the manufacturer or to the farmer, then you would be in a position to use every kilowatt in producing fertilizer ingredients, and then 15 per cent in refining.

Mr. BLACK. Now, may I call the Senator's attention to the fact that that is very easily guarded against. There is not the slightest difficulty in that. You have one of the ablest lawyers in the United States Senate on the conference committee, and that can be very easily guarded against. One proposal of guarding against it has been suggested, and handed to me, and I shall read it to the Senate.

Fifteen per cent of the amount of power actually used by said lessee in the manufacture of finished fertilizer—

Note that—15 per cent of the power used in the manufacture of finished fertilizer; not in the manufacture of ingredients but in the manufacture of finished fertilizer. In the bill it is already provided that the finished fertilizer must be sold exclusively for fertilizer purposes. That is one way of answering the first proposition.

Mr. SMITH. Mr. President, how can that answer it, when—

Mr. BLACK. I have not finished.

Mr. SMITH. All right; go on.

Mr. BLACK. That answers that part of it.

Mr. SMITH. I do not think that answers anything, for the reason that they will produce a certain amount of finished fertilizer out of the ingredients that they have used the power to produce.

Mr. BLACK. That is correct.

Mr. SMITH. When they have stored away the fertilizer that the farmers do not buy, and which for some reason or other can not be disposed of, 15 per cent of the unfinished fertilizer ingredients is used to refine them into chemicals; and as long as you have this finished fertilizer stored up you will use every kilowatt in still producing fertilizer ingredients and refining them with 15 per cent.

Mr. BLACK. That is very easily guarded against, as I started to explain to the Senator. Any proposition involving a loophole can be guarded against by the able conferees. One method that has been suggested is in the manufacture of finished fertilizer capable of being applied directly to the soil in connection with the growth of crops.

3. That in the event the lessee exercises the right to temporarily suspend—

That is, under the provision the Senator has mentioned—

the manufacture of fertilizer by the maintenance in storage of fertilizer ingredients containing 2,500 tons of nitrogen, as provided in this act, the right herein granted said lessee to purchase power for other purposes than the manufacture and production of fertilizer shall cease.

In other words, it would automatically cease. There are many different ways in which that can be guarded against. It is simply a question of whether or not we will favor the principle.

Mr. SMITH. Let me ask the Senator another question, and then I will not interrupt him any more.

Mr. BLACK. I shall be glad to be interrupted.

Mr. SMITH. No, no; because the bill is so plain on its face that it is not worth discussing.

Mr. BLACK. I agree with the Senator fully.

Mr. SMITH. If the fertilizer manufactured there is to be of any benefit at all to agriculture it will have to be manufactured cheaper than the fertilizer companies are doing it now.

Mr. BLACK. That is correct.

Mr. SMITH. Does the Senator think there would be one kilowatt of surplus power if the lessee can in good faith produce this fertilizer cheaper than it can be bought elsewhere? Does he think there will be one scintilla of a kilowatt to be diverted anywhere?

Mr. BLACK. I have not the slightest doubt about it—much of it.

Mr. SMITH. The whole capacity of the plant, running at full power, could not produce more than one-half—and that, I think, is an extreme statement—of the fertilizer needed up and down the Atlantic seaboard. Suppose it were capable of producing all. It would take all of the power there, for the reason that as you got the fertilizer ingredients cheaper you would have a greater use of fertilizer. There is not a practical farmer on the Atlantic seaboard but that could quadruple his yield of grain and of textiles if he could buy at a reasonable rate the ingredients that now are so costly. So that if this company leasing Muscle Shoals can produce fertilizer cheaper than it can be bought elsewhere, the demand for it would be so great that every kilowatt for 365 days in the year would be in demand to produce this element of crop production. We are starting out in this with the assumption that it could not be produced, and therefore a loophole is given by which a profit can be made out of something else, while a minimum is doled out at a loss of fertilizer to the farmer. That is your proposition in a nutshell.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BLACK. In just one moment, after I have replied to the Senator from South Carolina.

May I say to the Senator that for 10 years we have been trying to get something at Muscle Shoals. For 10 years we have been trying to get some fertilizer. For 10 years we have been blocked at every stage. I am not going to quarrel and argue now about 15 kilowatts out of 115, or whether we would operate the whole plant if we produced enough fertilizer for the world. What I want is operation of the plant.

Mr. NORRIS. Mr. President, will the Senator permit me to interrupt him?

Mr. BLACK. I yield.

Mr. NORRIS. I would not disagree with that proposition.

Mr. BLACK. I do not think the Senator would.

Mr. NORRIS. But I think it is perfectly plain that we are not confronted with the possibility of such a thing from the House conferees' proposition. Let me read to the Senator the proposition of the House conferees.

Before I do that, let me say that in the second resolution as it passed the Senate, we had a provision in regard to fertilizer, providing for the largest experimentation in the manufacture of fertilizer that had ever been attempted anywhere any time in the history of the world. I think that would have been of great value, because everybody who has studied the question knows—and the Senator from Alabama has studied it—that one of the things that would be most desirable, not only for the South, but for the entire eastern half of our country, at least, and in a general way for the entire world, would be the cheapening of the production of fertilizer. In a broad sense those who look ahead, students of the subject, all agree that one of the most desirable things in the scientific world is the discovery of a method for bringing about the production of fertilizer in such a way as to reduce the cost of fertilizer.

Men who are in the fertilizer business can not always afford to expend the money necessary for experimentation, because, as the Senator knows, experimentation often is a failure. Ninety-nine times out of a hundred money used in an experiment is lost. It has been the same with all such improvements. The expense is great, and those of us who sought to frame this legislation and pass it through the Senate figured that the attempt to cheapen the production of fertilizer was a proper subject for governmental expense; that if we succeeded there would be no patent on the process, it would be open to the world, and as a result of the cheapening of the process fertilizer factories all over the United States could cheapen their products.

We provided for that kind of experimentation. We were met with this proposition from the House conferees. They first said, "The Government can not do it. Get the dead hand of the Government out of it. We want to lease this property to private people. Let private initiative have it."

Finally we consented; we surrendered on that. We gave up the great possibility of cheapening fertilizer by the expenditure of Government funds, and said, "Since we are so anxious to get something through, we will surrender. Write your own lease. We will let you write anything you want, just so you put one thing into the lease; that is, that the lessee must make fertilizer successfully."

They said, "If you will let us lease this property down there"—and they have said that for 10 years, and they have never succeeded in getting a lease which Congress could approve—"if you will let us lease it, and let private people do this, we will produce fertilizer."

That propaganda has been heralded all over the United States. They have taken advantage of farm organizations, particularly the Farm Bureau. They have their leaders advocating it. "We want fertilizer," they say. "Lease the plant, and let private people operate it, and we will get cheap fertilizer, and we can make fertilizer, and cut the price of the product in two," they usually say. "Therefore it will bring about just what agriculture, and the consumers as well, all want—cheaper fertilizer."

So we said, "We do not believe it can be done. Many honest people, some scientific people, believe it can be done

with the property there." We said, "We will surrender on it. We will let you have it. Have your own way about it. Draw your own lease. All we want is to hold you to your proposition to make fertilizer. In other words, if you are putting a bluff up to us, we call it. If you are in earnest, we simply say 'We concede you may be right, and we may be wrong.'"

So we said "Here is what we want in the lease." I will read it. This is the proposition of the Senate conferees in regard to the lease:

The lessee shall covenant to operate such plant and use such property successfully in the production and manufacture of fertilizer, and fertilizer ingredients to be used in the manufacture and production of fertilizer, and if in the manufacture of fertilizer and fertilizer ingredients a by-product is produced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of such by-product as the lessee shall see fit, and shall likewise have authority to process such by-products so as to prepare them for the market.

That was the Senate conferees' proposition. We all agreed to it—the Senator from Oregon, the Senator from South Carolina, and myself.

The House conferees had to admit that that was a fair proposition. After considerable discussion, and after we had agreed as to the other difficulties we had had besides this, which it is not necessary to mention here now, they finally said, "That is fair. If we can make fertilizer down there, if the propaganda has been true, we can not expect anything else, we will agree to it." They did agree to it, and we separated with the understanding that the House conferees, taking the stipulation I have just read, could write the balance of the lease just as they saw fit.

There was a little disagreement on the part of two of the three who had agreed to the proposition, and they were going to settle that difference. We had a full agreement as far as the Senate conferees and a majority of the House conferees were concerned.

We separated with the idea that they would get together and adjust their differences. One of those conferees wanted to put in some stipulation in regard to the 8 per cent profit, and so on, and the other one wanted to leave that open.

Mr. SMITH. But there was no difference about this.

Mr. NORRIS. There was no difference about this. We had agreed on it. It was supposed by them and by us that it would take them only a few minutes to arrange their disagreement. So we were going to meet the next day. But they did not do what we had understood they would do. They changed their minds about it. They submitted another proposition to us, and here is the part of the proposition which refers particularly to the lease that was submitted to us. They said:

If surplus ingredients—

Mark, they say, "surplus ingredients"—

If surplus ingredients usable in fertilizer—

That means a fertilizer ingredient, of course; there is no dispute about that—

are produced in crude form—

That would include nitrogen; that would include phosphorus; that would include potash—any of the crude forms—

the lessee shall have the authority to sell such surplus ingredients, and shall also have the authority to process such surplus ingredients so as to prepare them for the market. The lessee shall be required to provide at his own expense such facilities and materials as may be necessary for processing and preparing for the market the said surplus ingredients.

Here is the 15 per cent provision:

That for processing and preparing for market such surplus ingredients, the lessee shall have the right to purchase an amount of power not in excess of 15 per cent of the amount of power used by the said lessee in the manufacture of fertilizer.

There it is in writing. I have not read all on both sides, but those are the only things in dispute.

Mr. BLACK. Mr. President, just a moment before the Senator leaves that. That is different from the paper handed to me, and I want to find out which one is correct.

Mr. NORRIS. There may be another one.

Mr. BLACK. This is the last one.

Mr. NORRIS. Perhaps they have modified it somewhat.

Mr. BLACK. It is the one that Mr. FISHER let Senator Brock have, I understand. This was furnished yesterday.

Mr. NORRIS. I do not care whether the 15 per cent provision is in or out. I would just as leave have that out, because it does not mean anything. Remember, the power down there is to be used in the production of nitrogen. That is where the expense is going to be, in the production of nitrogen at that plant. Nitrogen is one of the three necessary ingredients of fertilizer. But you can take nitrogen out of it, you can manufacture various chemicals. The Senator from South Carolina had a list of them given him by the department. People who go into the nitrogen-production business, like the du Ponts, for instance, use it in the manufacture of explosives. Ammonia is one of the by-products, and a hundred or a hundred and fifty other products may come out of nitrogen.

The amount of power that is used after the nitrogen is produced to process that raw product into its various chemical products is comparatively small—it is nothing. I would not care about it. It does not amount to anything, is not worth quibbling about it. It will not take 15 per cent, according to what I have been informed about it. But the power that is to be used is to be used in producing crude materials of which they speak. There is no limit on that. They can consume and use all of the power to produce these crude products. That is what the House proposition means. It means no fertilizer, because our contention is this, that under the leasing provision there is a proviso that after 2,500 tons of fertilizer have been produced, if they are unable to sell it, they are not required to produce more. What would happen, I think, would be the production of 2,500 tons of fertilizer, and it would be held in storage.

The cost of it would be so great that it could not be sold at an 8 per cent profit on the market, and that is a condition the lessee would want to bring about if he wanted to go into the chemical business. He would bring that condition about. He would use all the power and machinery of the Government to do that. He would not have to make any more fertilizer after he had 2,500 tons, and he would run the plant to capacity producing nitrogen, and then process the nitrogen into the various chemical products, and sell them on the market. That is what the business would be.

Mr. BLACK. Mr. President, may I interrupt the Senator?

Mr. NORRIS. Certainly.

Mr. BLACK. The Senator from Nebraska is a good lawyer. Everyone recognizes his great legal ability. It would be no trouble for the Senator to prevent that very thing. The Senator and I are in accord on that. There is not the slightest difference.

Mr. NORRIS. There is not much disagreement between the Senator and myself. But I am opposed to taking public property and turning it over to a lessee at Muscle Shoals for the purpose of establishing there a large chemical factory. I have no objection to his establishing such a factory outside of the Government reservation if he takes his chances and buys power; but I do not want him to utilize the power that is there and not make fertilizer out of it, but use it for the raw product in his chemical factory.

Mr. BLACK. I agree with the Senator fully. The question that confronts us here is a question upon which I think the Senator and I would agree, unless I am very much mistaken. If the Senator believes that the proposition would actually provide that for every 100 kilowatts of power used for the manufacture of fertilizer the lessee could purchase 15 more kilowatts of power to manufacture some other kindred product, I do not believe that the Senator would be willing to permit an agreement to be broken up on that basis.

Mr. NORRIS. No; I would not; but I would require that the lessee could not use the Government's property to do it. He can do that and there will be no difficulty about it if the conferees will accept the Senate proposition. The only danger he runs is that all the power there will be asked for and consumed by municipalities, because under one of the amendments which the Senator himself offered the mu-

municipalities and farm organizations would have the first call for power. The lessee could go right outside of the Government reservation and start a chemical factory if he wanted to, but he would have to produce his own nitrogen.

Mr. BLACK. There is no disagreement there.

Mr. NORRIS. Let me suggest this. The people who have been circulating the propaganda all over the United States for the last 10 years have been deceiving the farmers, I think. They have been saying to the farmer, "We can make fertilizer if you will let us use the property." The Senate conferees ask, and it is all we ask, that they shall make fertilizer. In the making of the fertilizer if they consume every kilowatt of power, God bless them, let them go ahead. We put no limit on them in that respect. Let them use it all. But we ask them to make fertilizer with it, and that is all we care for.

Mr. BLACK. May I say to the Senator that I feel sure, from the public statements which have been made by the House conferees and the statement that has just been made by the Senator from Nebraska, that there should be no difficulty in arriving at an agreement to-morrow, conceding the sincerity of both the House and the Senate conferees. It is my own belief that both are sincere. Here is the reason why I make the statement that there should be an agreement. The Senator and I are in absolute accord on the idea that Government property should not be used for the establishment of a large chemical enterprise. There is no difference at all on that point. Therefore it will be very easy for the Senator with his ability as a lawyer to prepare a provision which meets the idea of the House conferees.

May I just suggest this? Under the terms of the amendment which I offered hereafter when this power begins to be sold, if it should be sold to any power company and a municipality wants it, it can be withdrawn so far as the power company is concerned. There could be no objection, I am sure, on the part of the Senator or on my part or on the part of anyone else if the House conferees believed that there should be 15 kilowatts for chemical purposes in addition to the 100 for fertilizer manufacture, provided the lessee should have it to be used outside of the Government plant if they wanted it, at the regular rate, so that the lessee would not be cut off by preference from that limited extent of power. It seems to me that would bring about a meeting of the minds.

I am simply offering these suggestions because of my great anxiety to obtain a bill. It should be satisfactory to the House conferees with the ideas they have suggested. There is not the slightest difference in the world between my idea and that of the Senator about allowing the power to be diverted for the manufacture of chemicals. I have been very careful in the statements I have made with reference to the differences to state that I had reference to the differences in the public statements made as to what the House conferees desired to do. I have not attempted to pass on the proposition which they made to the Senate conferees to determine that it would actually carry out that idea fairly and squarely. My own opinion is that the latest one which was given to me yesterday by Mr. Fisher comes very near it except that it would not meet the objection the Senator has raised, and I might say properly raised, against permitting the use of Government property for the manufacture.

May I call the attention of the Senator from South Carolina [Mr. SMITH] and of the Senator from Nebraska to another matter?

Mr. NORRIS. Mr. President, will the Senator let me refer to the statement? I think it is the same one that was submitted to me this morning by one of the House conferees. It had the same objection in it as the one I read a while ago, which was submitted officially to us by the majority of the conferees. It said nothing about the 15 per cent, and I do not care anything about the 15 per cent. To my mind it is nothing. It only serves to divert the attention of the person who takes only a superficial view of the situation. As a matter of fact, they are taking away all the power that is going to be converted into a chemical factory by reason of the other provision.

If the conferees agree that the lessee, whoever he may be, should have for his use, outside of the reservation of the Government property, first call on power equaling 15 per cent of what he used in the making of fertilizer, the only effect that would have would be to give to the lessee a preferential right to get that much power. If he was required to produce his own nitrogen, the prospective lessee would turn it down. There is no question about that. No one will ever make that proposition to us. There is no danger of it, because any lessee would have to go outside and produce his own nitrogen in his own way, and he would only have a preferential right to 15 per cent of the power, which might result in taking it away from a municipality or something of that kind, which I do not think would be a very serious objection, because when they get through down there they are going to have a very large amount of power. They are going to have down there for sale under that condition a large amount of secondary power, as the Senator well knows, that will not be primary power, and hence much less valuable. It would not do for a municipality to get secondary power unless they had a steam plant or some other plant to produce power when they could not get it from the Muscle Shoals plant. But a manufacturer who did not want to operate his plant all the time to use secondary power would be able to get exceedingly cheap power, because the board could afford to sell at a very low cost power that would otherwise go to waste and bring no return. There would be a possibility of the lessee doing something of that kind, but no such proposition has come to us and I do not expect any such proposition.

Mr. BLACK. I might state to the Senator that the proposition which has been made, as publicly stated, is that they shall have 15 kilowatts of power for the manufacture of chemicals when they use 100 kilowatts for fertilizer.

Mr. NORRIS. But they do manufacture it out of a product that they use the Government power to make, and that is the big item.

Mr. BLACK. The proposition which they have publicly stated is what I have just outlined. In the first place, that power is going to be sold under the terms of the bill. It might be sold to municipalities and they might sell some to a chemical company or it might be sold directly under another provision of the bill. If an agreement could be reached on the basis which I have just suggested, no one would be injured. It could not conflict with the ideas of the Senator or the ideas I have if the conferees could reach an agreement that the prospective lessee should have, outside of the Government reservation, the right to purchase at a reasonable rate 15 kilowatts every time he purchased 100 kilowatts for the manufacture of fertilizer.

That is not a subsidy. It is not even in the nature of a subsidy. I am frank to say to the Senator that with the lavish prodigality of subsidies which have been made to the shipping interests and to other interests, I would have no objection to making a subsidy to the farmer, because I have reached the conclusion that it is the only way he can begin to get a square deal. But this would not be a subsidy.

Mr. NORRIS. I want to say on the matter of a subsidy to the farmer that we may see the time when it will be necessary to subsidize the production of fertilizer everywhere in the United States. That time may come. I am not saying that we ought not to do it. Under proper conditions I think I would favor it, because it would not only go to the benefit of the farmer but of all the people. But I can not now and never will agree to subsidize a plant that will furnish fertilizer to only one locality. If we are going to subsidize the production of fertilizer, we must do it on a large enough scale so that it will apply to all the people of the United States, because it is their money that is being used. Of course, the Government could take that power down there, or the lessee, if he made the right kind of terms, could do so, and could make fertilizer and give it away. That would help, it is true, a comparatively small scope of the country within freighting distance of Muscle Shoals, but that would be unfair to the thousands of people elsewhere in the United States, and the Senator himself, I am sure, would not ask it.

Mr. BLACK. While it is purely academic and theoretical, yet it would reach the entire country. I do not agree with

the Senator on that point. In the first place, it would easily reach those States within freighting distance which purchase 80 per cent of the fertilizer and it would be of great benefit to other States; but this is not proposed as a subsidy.

The proposition I am coming to is this: I believe I am right in assuming that neither the Senator from Nebraska nor any of the other Senators would favor the failure of a settlement if it reached the point where the only question involved was whether or not after 100 kilowatts of power have been used for the manufacture of fertilizer, then 15 kilowatts of power would be sold at a reasonable rate for the manufacture of chemicals.

I want to call attention to another fact. The Senator from South Carolina [Mr. SMITH] asked me a few minutes ago as to the benefit from this plan. I can show very easily what the benefits would be. We have limited the profit to 8 per cent. There is no provision that if a loss should occur in one year, more profits could be made next year. Therefore we can easily see the difficulty of obtaining a lessee with the money which is invested when the limitation of profit is 8 per cent.

If the lessee knew that every time he manufactured fertilizer out of a hundred kilowatts of power, which fertilizer he was to sell at 8 per cent profit, he would get 15 kilowatts with which to manufacture chemicals, as to which there was no limitation of 8 per cent profit, the inducement to him would be to manufacture fertilizer and to sell it as rapidly as possible. This is true because only by manufacturing fertilizer, and by securing the power for that purpose, the lessee by selling at a limited profit, would have the opportunity to purchase the power with which to manufacture other products in which he would not be limited to 8 per cent profit.

Another reason: It is true in this country—and anybody who knows anything about business knows it—that no company limits itself exclusively to any one product. A book has recently been written which I commend to the Senators. Its subject is regularization of employment, and it is a very excellent book. It takes up the question of unemployment and its remedies. One of the first and most important things which is recommended to a business firm is that it not limit itself to the production of one commodity which may be demanded at one particular season of the year.

Common sense tells a man that when he limits production to something that is needed only at one particular season of the year he can not spread out over the entire year the work in the business so as to regularize employment. We all know that the packers make money because they use every part of the hog but the squeal. It is one of the methods of modern business.

So far as I am concerned, if the House conferees agree to-morrow to the proposal made by the Senator from Nebraska [Mr. NORRIS], I shall stand on this floor, if necessary, to defend it and to fight for the bill. I do say, however, that we can not and we should not permit this session of Congress to close or the appropriation bills to pass if the only difference between the two Houses is whether or not every time 100 kilowatts of power are used for the production of fertilizer 15 kilowatts shall be purchased by the lessee at a fair price with which to manufacture some other chemical.

Mr. NORRIS. Mr. President, will the Senator permit an interruption?

Mr. BLACK. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator made a remark a while ago which indicated that he thought the lessee would not be able to manufacture fertilizer to the maximum limit the year around; that because its use was seasonal he would have on hand during a portion of the year a supply he could not sell. Now, let us assume that to be true. If it is a fact that the lessee wants to manufacture fertilizer at Muscle Shoals I can make him a suggestion that will net him hundreds of thousands of dollars. If he does not want primary power, here is his opportunity. As I suggested a while ago, there is a vast amount, and always will be, of power at Dam No. 1 which may be used only a portion of the year.

It is secondary power, and although much of it may be converted into primary power by a steam plant the facilities of which it is provided in this bill shall be increased and by the building of Cove Creek Dam, which will regulate the flow of the stream, there always will be, nevertheless, a large amount of secondary power. If in the fertilizer business the manufacturer needs power only for a portion of the time, there is a great opportunity for him. He can buy secondary power; and I have an idea he could buy it for pretty nearly a song, especially if he did not want to operate for, say, more than six months in the year. He could buy secondary power at Muscle Shoals that would be going to waste and which, as a matter of business, the board ought to sell at an exceedingly low rate. It would be just the opportunity for some concern that is going into the manufacturing business, which only operates for a portion of the year. If that be true of the fertilizer industry, and the lessee only wants to operate for a portion of the year, he would have a glorious opportunity to get the cheapest power on earth.

Mr. BLACK. Mr. President, I agree with the Senator on the question of secondary power but the Senator is a very humane man. The Senator has shown his adherence to humanitarian legislation. There is no man on this floor who has fought for more of it than has the Senator. So, I know he would not favor the idea of establishing an industry at Muscle Shoals which for four or five months in the year might employ 5,000 men and then turn them loose in a community which is not able to absorb them in its other business. That would not be right; that would be contrary to everything which we are seeking to provide.

Mr. NORRIS. The Senator must remember in what connection I made the suggestion.

Mr. BLACK. I understand it.

Mr. NORRIS. I only made it because the Senator himself suggested that it would not be possible to produce fertilizer all the year around.

Mr. BLACK. That is correct.

Mr. NORRIS. I say if it can be produced for the price which the farmers of America have been led to believe it can be produced for the plant would be operated not only the year around but night and day. I made the suggestion to meet the proposition which I thought the Senator was advancing that in the manufacture of fertilizer the plant would be operated only a portion of the year.

Mr. BLACK. The thought I had was this: I did not want the plant to be placed in a situation where it would only be operated for a portion of the year. I will state very frankly to the Senator that I do not think it would be fair to the people in that community whom in part I represent to place them in a position where an industry might operate only 3 or 4 or 5 or 6 months in the year, employing perhaps three or four or five thousand people without the privilege of purchasing the power that comes from the dam which is so near its plant that the falling water can be heard—not obtaining the power free, but purchasing it in order to be able to operate throughout the year. I think the Senator agrees with me as to that.

Mr. NORRIS. There is not any question but that within the limits of the law any lessee could purchase power the same as everybody else. The lessee who is operating there can have another business and another plant anywhere within transmission distance and secure Muscle Shoals power the same as anybody else.

Mr. BLACK. That is correct, and I take the position that what we want is the manufacture of fertilizer, and we desire to encourage the manufacture of fertilizer. So far as I am concerned, I may state to the Senator that I am fully satisfied that under the proposition which he has made a lessee can manufacture fertilizer at a profit and should manufacture fertilizer at a profit.

Mr. BROCK. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield.

Mr. BROCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Alabama yield for that purpose?

Mr. BLACK. I do.

The PRESIDING OFFICER. The secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Hale	Metcalf	Smith
Bingham	Harris	Morrison	Stephens
Black	Hastings	Morrow	Swanson
Blaine	Hatfield	Moses	Thomas, Idaho
Brock	Hebert	Norris	Thomas, Okla.
Bulkeley	Heflin	Nye	Townsend
Capper	Howell	Oddie	Trammell
Carey	Johnson	Partridge	Tydings
Dale	Jones	Patterson	Vandenberg
Davis	Kendrick	Phipps	Walsh, Mont.
Fess	King	Robinson, Ark.	Watson
Frazier	La Follette	Robinson, Ind.	Wheeler
George	McKellar	Sheppard	Williamson
Goff	McNary	Shortridge	

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum is present.

Mr. BLACK. Mr. President, in view of the fact that we did not have a morning hour this morning, and in view of the fact that we had intended to have a morning hour and were deprived of it, I know of no way that we can have a morning hour except to adjourn. There are many Senators who want a morning hour. We are entitled to have our bills passed upon, and I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion made by the Senator from Alabama. [Putting the question.]

Mr. BLACK. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a sufficient second?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

Mr. BINGHAM. What is the motion, Mr. President?

The PRESIDING OFFICER. The motion is to adjourn.

Mr. McNARY. I thought that had been disposed of.

The PRESIDING OFFICER. No; before the Chair was able to announce a decision the Senator demanded a roll call, and there was not a sufficient second. [Putting the question.] By the sound the noes seem to have it. The noes have it, and the motion is lost.

Mr. BLACK. Mr. President, the Senate evidently is anxious to stay here for a time, and it is perfectly satisfactory to me.

A few moments ago I was commenting on the nearness to an agreement of the House and the Senate conferees. A great deal has been said to the effect that fertilizer can not be manufactured at Muscle Shoals.

I desire to call the attention of the Senate to a picture of the champion cotton grower of Mississippi. This man grew his cotton with the product of the plant at Muscle Shoals, which is said to be obsolete. It is the product of a plant exactly like the one at Muscle Shoals, the operation of which the Senate can bring about. There is not the slightest doubt in my mind but that, if the Senate will not pass any more appropriation bills or conference reports on appropriation bills for three days, an agreement will be reached on Muscle Shoals, and we will have legislation. It is true that there is not much interest in Muscle Shoals legislation. It is very difficult to arouse an interest in Muscle Shoals legislation; but the people of this country are interested in it. They are interested in it for two reasons. They are interested in it, first, because they do not want the power companies to continue to derive an unjust profit from the power produced by the Government at Muscle Shoals. They are interested in it, secondly, because they believe that the farmers are entitled to the use of that product for the manufacture of fertilizer.

A delay benefits those two and those two only, but it seems that the majority of the Senate are of the opinion that every other piece of legislation here is of more importance than Muscle Shoals legislation. They are willing to let legislation through which is certainly of less im-

portance to the farmers of the country than is Muscle Shoals legislation.

What benefit, for instance, will the farmers of the South get from the independent offices appropriation bill? I call attention to the fact that that conference report is up. I call the attention of the Senate to the fact that there were 65 Senate amendments. It is so important that we pass on this conference report, I desire to call attention to what has happened.

There were 65 Senate amendments. The House has receded and agreed to two of those amendments. Out of 65 Senate amendments, the House has agreed to 2; and I want to call attention to what those are.

One of the important amendments on which the House has receded in the conference report is this: The Senate thought it was of vital importance to put in the word "fiscal" before the word "year"; and the House has receded on that.

Another thing the House has receded on is this: The House named the bill the independent offices bill of 1930. The Senate amended that to read "the independent offices appropriation bill"; and the House has actually conceded to the Senate the right to name this bill the independent offices appropriation bill. So it is of vital importance—far more important than it is to have Muscle Shoals legislation, far more—that we pass on this conference report.

That is what the Senate has gained. If I am mistaken, and there are other amendments from which the House has receded, I should like to be corrected; but I sent to the clerk and obtained the report of the conferees, and I found that out of 65 amendments the Senate has gained 2 from the House. One of them is they changed the word "year" to read "fiscal year." The other one is they added the word "appropriation" in the name of the bill.

Mr. TYDINGS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Maryland?

Mr. BLACK. I yield to the Senator.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. TYDINGS. I am about to make a unanimous-consent request with the consent of the Senator from Connecticut [Mr. BINGHAM], who is the chairman of the subcommittee of the Committee on Appropriations on the District of Columbia bill.

I ask unanimous consent to have pending and inserted in their proper place in the appropriation bill of the District the following two amendments:

The widening of Seventeenth Street NW. between H Street and Pennsylvania Avenue, \$17,044.28.

The grading of Eastern Avenue between Bunker Hill Road and Queen's Chapel Road, \$7,740.

The Senator from Connecticut, while not being authorized to accept the amendments, has consented not to oppose them vigorously if they are inserted in the bill with the understanding that no objection will be made if they are taken out in conference, if the conferees so declare. With the consent of the Senator from Alabama, I therefore ask, the District appropriation bill being under consideration, that these two amendments be adopted.

The PRESIDING OFFICER. The District appropriation bill is not before the Senate at this time. Does the Senator ask unanimous consent that that bill be laid before the Senate?

Mr. TYDINGS. I amend the request, and ask that when the District appropriation bill is taken up these two amendments be considered as pending and be voted on by the Senate, even though I be absent.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maryland?

Mr. McNARY. Mr. President, it simply involves the right to have the two amendments pending when the bill comes back before the Senate. I have no objection.

Mr. JONES. Mr. President, I suggest that two amendments can not be pending at the same time. They may be offered, of course. One amendment is pending, and the

other will be on the table and ready to be offered as soon as the first one is disposed of.

Mr. TYDINGS. One will be pending, and the other will come up as soon as the first amendment is disposed of.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Maryland, which, as the Chair understands, is that one amendment shall be adopted and the other shall be pending?

Mr. McNARY. No, Mr. President. What the Senator evidently means and proposes to do is to suggest two amendments and have them on the desk ready to be considered when the District appropriation bill comes before the Senate for further consideration. That is all there is to it.

The PRESIDING OFFICER. Without objection, the amendments will be received and lie on the table.

Mr. TYDINGS. I thank the Senator from Alabama for permitting the interruption.

AMENDMENT TO ADJUSTED-SERVICE CERTIFICATES BILL

Mr. THOMAS of Oklahoma. Out of order, I ask permission to submit an amendment which I intend to offer to what is known as the bonus bill and for the information of the Senate, I ask that the proposed amendment may be read; it consists only of four or five lines.

The PRESIDING OFFICER. Without objection, the amendment will be received and read for the information of the Senate.

The Chief Clerk read as follows:

Amendment intended to be proposed by Mr. THOMAS of Oklahoma to the bill (H. R. 17054) to increase the loan basis of adjusted-service certificates:

On page 1, line 11, after the word "annually," to strike out the period, insert a colon and the following proviso:

"Provided, That no interest shall be computed or collected, at any time, on any loan or on any portion of any loan corresponding with and equivalent to that portion of any adjusted-service certificate already equitably due."

The PRESIDING OFFICER. Does the Senator from Oklahoma desire to have the amendment printed and lie on the table or referred to the Committee on Finance?

Mr. THOMAS of Oklahoma. I ask that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The amendment will be printed, and referred to the Committee on Finance.

MUSCLE SHOALS

Mr. BLACK. Mr. President, I very seriously doubt whether all the Senators understood the motion I made a moment ago, so I desire now to move that the Senate adjourn.

The PRESIDING OFFICER. The question is on agreeing to the motion made by the Senator from Alabama.

Mr. BLACK. Mr. President, I should like to have the Senate vote on this motion, not by the yeas and nays but by a division.

Mr. HATFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	McGill	Schall
Bingham	Hale	McKellar	Sheppard
Black	Harris	McNary	Shortridge
Blaine	Hastings	Metcalfe	Smith
Bratton	Hatfield	Morrow	Swanson
Brock	Hebert	Moses	Thomas, Idaho
Bulkley	Heflin	Norbeck	Townsend
Capper	Howell	Nye	Tydings
Couzens	Johnson	Oddie	Vandenberg
Dale	Jones	Partridge	Watson
Fess	Kean	Patterson	Williamson
Frazier	King	Phipps	
George	La Follette	Robinson, Ark.	

Mr. STEPHENS entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty-one Senators having answered to their names, there is a quorum present.

Mr. JONES. Mr. President, I think I should in all fairness advise the Senator what I expect to do from now on.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama, which is not debatable.

Mr. JONES. I thought that had been disposed of.

The PRESIDING OFFICER. It has not been. The question is on agreeing to the motion of the Senator from Alabama that the Senate adjourn.

The Senate refused to adjourn.

Mr. BLACK obtained the floor.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BLACK. I yield.

Mr. JONES. I think in all fairness I should tell the Senator what I expect to do from now on.

Mr. BLACK. I should be glad to have the Senator tell me.

Mr. JONES. I think I have been perfectly fair thus far. I propose from now on to invoke the rule, considering that the Senator has talked once on the conference report. The rule provides that no Senator shall talk on any question more than twice in the same day, furthermore, that a quorum can not be called until after business has been transacted. I shall see that business is transacted before we have another quorum call.

Mr. BLACK. Mr. President, I think the Senator is absolutely right in that. I would not think of calling a quorum without business being transacted. As a matter of fact, some business has been transacted since the last quorum call. I do not want to make another point of no quorum at this time. There has been a vote on the motion to adjourn since the last quorum call, and if it were merely a case of a desire to delay matters, of course I would suggest the absence of a quorum. But I have no desire to do that. I desire to call the attention of the Senate to the fact that there is a place in this country called Muscle Shoals. It seems to me that it is very difficult for that fact to be impressed on the Senate. Everything else is of importance except action on Muscle Shoals. It is all right to bring in a conference report with 63 Senate amendments, with only two receded from on the part of the House, one of them being the insertion of the word "fiscal," and the other the insertion of another word. But down at Muscle Shoals, Ala., there are nitrate plants idle. Those plants, if put into operation, would employ thousands of men. They would reduce the price of fertilizer for the farmer at least 50 per cent if properly operated.

It is true that they would compete with the Guggenheim interests in South America. I assume there are some who would regret very much to see the Guggenheim interests have competition. As long as Muscle Shoals legislation can be choked to death, there will be no competition from Muscle Shoals with the Guggenheim interests in Chile.

I want to call the Senate's attention to the fact that I have in my hand a statement made by a gentleman who is connected with the chemical department of the Du Pont Co. at Wilmington, Del. I want to call attention to the fact that during the time the long controversy on Muscle Shoals practically every civilized country in the world except the United States has become independent of the remainder of the world in the matter of nitrates.

It is true that Russia still has to import nitrates, but those who are so bitterly opposed to the Russian Government will not be surprised at that. It is also true that Germany does not import any; she exports. It is also true that several countries have entered into an agreement to reduce their nitrogen output, and while Senators here are busy from day to day attempting to increase the size of the Navy, if they will investigate they will find that in a year's time we would not have enough nitrogen produced in this country to fire a shot if a war should be declared. All the other countries take care of their farmers in times of peace by assisting in the manufacture of fertilizer. They prepare for war in time of peace by arranging to manufacture nitrogen, but the United States alone of all the world finds itself a slave to the nitrogen cartel of the world and the United States Senate seems to be willing to vote to pass every other measure except Muscle Shoals legislation at this session.

I want to call the attention of the Senate to the countries which are producing so much nitrogen that they have had to enter into an agreement among themselves. Some of

the countries are paying others to reduce their output. They are doing that because they want to continue to sell nitrogen to America at a profit. If we were to declare war tomorrow, we must have nitrogen in order to have explosives. The following countries have cut down their nitrogen production by agreement: Belgium, Czechoslovakia, Chile, France, Great Britain, Germany, the Netherlands, Italy, Norway, and Poland.

The poor old United States is the purchaser to-day from those countries which have cut down the nitrogen production by international agreement. Who is responsible for it? The Republican Party has been in charge of the Government for 10 years. They could have enacted Muscle Shoals legislation if they had desired to do so, but they do not. The Guggenheims are interested in the production of nitrates in Chile. Of course the Republican Party would not desire to enact any legislation which might strike at any of their campaign contributors; certainly not.

Let us see what that agreement was:

Essential provisions of the agreement area plan for regulation of production except for Chile, allocation of markets, and regulation of prices.

In other words, all these countries entered into an agreement. The farmers of the State of Mississippi, represented by my good friend, the junior Senator from that State [Mr. STEPHENS], who so well represents his State, and who honors me now by his presence, are paying the price for it. The farmers of the State of Georgia are paying an extra price on account of that agreement. The farmers of the State of Tennessee are paying an extra price on account of that agreement. The farmers of every Southern State are paying an extra price on account of that agreement.

If the Senators from those States will join me to prevent the approval of the conference report and the passage of all appropriation bills until we have Muscle Shoals legislation, they will help to relieve their farmers.

Let us see about what they have done in this agreement:

The United States necessarily remains outside of the cartel owing to the provisions of the Sherman antitrust law.

Of course, we assumed we had remained out, but this gentleman is very careful to say that the only reason why we remain out is on account of the provision of the Sherman antitrust law.

However, this country is not a large exporter of nitrogen; and, further, no advantage would be gained by an attempt to break the cartel prices, which are set already at low levels.

That is a representative of the Du Pont interests speaking. He tells the farmers of Mississippi, of Georgia, of South Carolina, of North Carolina, of Alabama, and of Tennessee that the prices could be reduced.

In order to indemnify those European works that are forced to curtail output below the quotas agreed upon or that are forced to shut down completely a fund of £3,000,000 will be set up, £750,000 of which is to be subscribed by the Chilean producers, presumably in return for their own freedom as respects output.

In other words, the Chilean Government is paying every year £750,000, or about \$2,500,000, to the Government of Germany and other European Governments to get them to reduce their output so that Chile can charge the farmers of the South in the United States more than they are charging them to-day. That is the understanding. Who pays that extra amount? The farmers of the South; of Tennessee, Georgia, Alabama, Texas, and Mississippi pay it. They are paying it to-day to the Chilean Government, and the Chilean Government is in turn paying it to the European trusts to keep them from producing nitrogen and selling it cheaply to the farmers of the United States.

The Senate can assist by preventing the passage of the appropriation bills until Muscle Shoals legislation has been agreed upon.

The people of the South expect their representatives to stand up for their rights. They believe their representatives will see that Muscle Shoals legislation is enacted. There is only one way to do it now, and that is to join in an effort to prevent the passage of the appropriation bills until we have Muscle Shoals legislation.

Do not be fooled. The Republican administration does not want any Muscle Shoals legislation and does not intend for us to have it if it can be prevented. The Republican administration never has wanted it and does not want it to-day. It has done everything possible to prevent its enactment.

Proceeding with this article a little further:

The remaining £2,250,000 will be subscribed by the European producers. (It should be noted that £750,000 is equivalent to \$1.46 per metric ton of Chilean nitrate, assuming an output of 2,500,000 metric tons during the year 1930-31. This cost must, of course, be absorbed by the Chilean producers.)

About 80 per cent of the world output of nitrogen will be controlled by the parties to the cartel.

I call this to the attention of the few Senators who are here. Eighty per cent of the world output of nitrogen is controlled by the parties to this cartel or international trust, and the farmers of the South in the main are the ones who are subjected to slavery by it. There they are. Under the agreement of these parties they get Chile to pay \$2,500,000 a year to Germany and other countries not to manufacture nitrogen. Who pays it? In the main the farmers of Alabama, Georgia, Mississippi, Texas, North Carolina, Virginia, and South Carolina. They are the ones who make that contribution.

It is stated that a survey showed that existing nitrogen-producing capacity is sufficient to meet world demand for many years. This fact would seem to discourage the construction of new works.

Special agreements have been concluded regulating the import of nitrogen into countries that are parties to the cartel and those outside the cartel. Prices will not be increased beyond the levels of the past fertilizer year. Wherever conditions in the industry permit, price reductions may be expected. While the agreement is for one year, effort will be made during this period to negotiate an agreement covering a long term. The cartel agreement is similar to the Cyanamide Syndicate agreement as regards control of export sales. Domestic sales are in principle reserved to the domestic producers, and exports of countries having a surplus will be separately determined.

I would like for some Senators who have heard that the cyanamide process is obsolete and will not benefit the farmers of the South to listen to what this man, connected with the Du Ponts, says about the cyanamide process. The Du Ponts do not use the cyanamide process.

Prices will be fixed with compensation for the form and utility of individual products, and not on the basis of nitrogen content alone.

I particularly invite the attention of my friend the senior Senator from Tennessee [Mr. McKELLAR], because he is closer to the Muscle Shoals project and his people would be greatly benefited by it.

Owing to the present relative overproduction of sulphate of ammonia and cyanamide, these products will be the cheapest, and will therefore determine the levels set for other products.

In other words, here is a man who uses a synthetic process, an employee of the Du Ponts, who admits in a public article that the cyanamide process will set the price for fertilizer throughout the world and that fertilizer will be sold cheaper than any other except sulphate of ammonia. That is exceedingly interesting in view of the fact that it has been heralded about throughout the land that the cyanamide process is obsolete and no benefit will come to the farmer from it. As a matter of fact, cyanamide is to-day fixing the cheap price, in so far as it is cheap, of the fertilizer of the farmers of the world, not only in this country but throughout the entire civilized world.

Now, I want to call attention to the fact—

Mr. McKELLAR. Mr. President, will the Senator from Alabama yield to me?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. BLACK. I yield.

Mr. McKELLAR. Of course the Senator is right. I am exceedingly interested in the matter of the manufacture of fertilizer at Muscle Shoals. All through the southern part of middle Tennessee there are vast deposits of phosphate. Those phosphate beds are within almost a stone's throw of Muscle Shoals. With nitrates being manufactured at Muscle Shoals and the use of those phosphates—nitrates

and phosphate being the principal ingredients of fertilizer—I imagine that fertilizer could be manufactured very cheaply at Muscle Shoals.

I want to say that I now have a very strong hope, from what I have heard this afternoon, that the conferees may agree on a bill to-morrow in reference to Muscle Shoals. I sincerely hope that they will do so. The Senator from Alabama is right. This proposition ought to be settled, and we ought to settle it at this session of Congress. There is no reason in the world why it should not be settled, and I sincerely hope that the conferees will agree to-morrow. I am in entire sympathy with the Senator's position as to a disposition of the Muscle Shoals question at this session of Congress.

Mr. BLACK. The Senator from Tennessee, as I understand, is thoroughly in agreement that the settlement of the Muscle Shoals question is as important to our people as the passage of the independent offices appropriation bill, if not more so.

Now I call attention to the fact that in Germany last year, according to the statement of the Society of Berlin, the European production of synthetic nitrogen for the fertilizer for the year 1931 will be limited under the operation of the nitrogen agreement to 1,087,100 tons, which is to be apportioned in a certain way. In other words, they have apportioned the quantity of nitrogen each country may produce to sell to the poor little country of America. With the exception of Russia, we are the only civilized country in the world to-day that is dependent upon other countries for nitrogen. Russia is dependent upon other countries, but in her torn condition, due to the trouble she has had, that is easily understood. England is not; Germany is not; France is not; Switzerland is not; Norway is not. In practically all those countries the government has assisted in the operation of the nitrate plants. The government is assisting to-day in France. It is done because those governments realize that in case of war explosives are essential; but America—controlled by the special beneficiaries of Republican predatory power alone, of all the countries is lagging behind, and its people are paying an exorbitant price for nitrogen and fertilizer because America has not done what the other countries of the world have done. To-morrow, if another world war should be declared, we should find ourselves sending our high-priced battleships down off the coast of Chile to protect Chilean nitrates, because we would have to have them to fire our guns. Germany would not have to do so.

At the beginning of the World War Germany was importing 800,000 tons of Chile nitrates. To-day she has entered into an agreement under which she is receiving pay to curtail production; and, notwithstanding that, will produce 840,000 tons. That is the difference. America was an importer of nitrates before the World War; America is an importer now. Germany was an importer of nitrates before the World War; Germany is an exporter to-day; but, of course, the Guggenheims are interested in the Chilean nitrate business.

Mr. McKELLAR. Mr. President, will the Senator from Alabama state whether or not Germany manufactures synthetic nitrogen?

Mr. BLACK. Germany manufactures both kinds.

Mr. McKELLAR. To what extent does she use the synthetic process?

Mr. BLACK. I have the figures here and will state them.

The Merseburg Works, I. G., which, as I understand, is a synthetic plant, produces 650,000 tons; the Oppau Works, I. G., manufacture 100,000 tons; the Ruhr coal companies manufacture 50,000 tons; the cyanamide producers manufacture 100,000 tons; the By-products Cokeries & Gas Works manufacture 100,000 tons.

The synthetic process predominates in Germany. In Japan, as I recall, the cyanamide process predominates. In France, I believe, there is probably more produced by the cyanamide process, but the synthetic process has had a greater vogue during the past 10 years than has the cyanamide process. I find here in the list of prices of nitro-

gen sold in Germany that cyanamide nitrogen there fixes the low price. The cyanamide and the ammonium chloride are the ones that sold at the lowest price per kilo; so that in Germany the cyanamide holds down the price. It has done so in this country. Recently I called attention to the fact that the farmers of Alabama through their farm association called for bids for fertilizer, and, in competition with the various kinds of fertilizer throughout the world, the cyanamide process won the contract, and the farm association of Alabama is using this year nitrogen produced by the cyanamide process at Niagara Falls, Canada.

It is true if we start operating the Muscle Shoals plant we are going to compete with the cyanamide plant at Niagara Falls; it is true we will compete with the Chilean nitrate producer; but in doing so we will place thousands of American men and women at work. Personally I am frank to say that if I were able to stand here and talk until to-morrow afternoon I would do so, considering the fact that in Alabama and the surrounding territory hundreds of men are out of employment and at the plants at Muscle Shoals which are now idle thousands of men could be employed. Two counties adjoining Muscle Shoals, I have been informed by those who know, were as hard hit by the drought as any counties in the Nation; want is in their midst; and yet, strange to say, there are those here who are vitally interested in this project who apparently are perfectly willing to sit by and let all other measures go through while Muscle Shoals legislation is shelved because this administration wants no legislation. There is no use to fool ourselves about that. There is only one way to get Muscle Shoals legislation, and that is to use the power we have here. If the Senate does not decide to use its power, it will get no legislation on this subject; if it does use its power, it will get legislation. There will be a retreat just as there was a retreat on the loaning of \$20,000,000 to the drought sufferers. Of course, if the Democrats should cooperate with the Republicans so that Muscle Shoals legislation is defeated then the situation is quite different.

The passage of the legislation and the inauguration of work at those plants means the employment of thousands of people.

I admit that there are great fertilizer factories in South Carolina and Virginia and in Maryland, but those fertilizer factories do not fix their nitrogen from the air. What the Muscle Shoals plant would compete with is the fixation of nitrogen from the air by the cyanamid process at Niagara Falls and the digging of nitrates from the ground in Chile. In competing with them, however, there would be put to work at Muscle Shoals thousands of men in Alabama who to-day are out of employment by reason of the depression brought on by an unfair concentration of wealth and a maldistribution of the good things which have been produced by the toiling masses. But what difference does that make? It seems to be most important to get through the independent offices appropriation bill, for some of the Senators are afraid of an extra session. Has the time come when we are more afraid of an extra session than we are of relieving the farmers of Alabama, of Tennessee, of South Carolina, of North Carolina, of Virginia, and of Georgia from the extortionate prices they are now being compelled to pay for fertilizer? It is my belief that if the farmers of the South could let their voice be heard here now they would say, "Let nothing else pass the Senate until legislation with reference to Muscle Shoals shall have been enacted, because we are not afraid of an extra session." How could the farmers of the South be injured by an extra session? A different Senate will be here. There will be a largely increased number of Democrats who should be friendly to Muscle Shoals legislation.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Tennessee.

Mr. BROCK. I understood the Senator to say that the operation of the plant at Muscle Shoals would reduce the cost of fertilizer to the farmers about 50 per cent?

Mr. BLACK. My judgment is it would reduce the cost 50 per cent or more.

Mr. BROCK. I have a record from the department showing that it would reduce the cost 48½ per cent.

Mr. BLACK. A record from what department?

Mr. BROCK. I have it here, and will endeavor to find it.

Mr. BLACK. So the Senator has a Government record which shows that the reduction in cost would be 48½ per cent?

Mr. BROCK. Yes; and in addition to that there would be a great saving to the farmer in the item of freight rates. The saving in freight on the transportation of his fertilizer alone during the year would amount to about \$10,000,000.

Mr. BLACK. Mr. President, the project at Muscle Shoals was inaugurated when the Democrats were in power. The Democrats here to-day and to-morrow and this week have it within their power to force Muscle Shoals legislation; there is not any question about that. They know that the Republicans want no legislation. Why should they want it when their biggest campaign contributors are reaping an enormous profit from the failure to operate Muscle Shoals?

Mr. President, I desire to call attention to the fact that the present German capacity for nitrogen production is estimated at about 1,000,000 tons a year; they have agreed to reduce it to 840,000 tons, and they are paid for that reduction. They are paid by the farmers of Alabama, of Georgia, of Mississippi, of Virginia, of Tennessee, of North Carolina, and South Carolina. They, with their hard-earned dimes, earned by toiling in the sun from early morning until late at night, contribute to pay a high price for Chile nitrate; and Chile then takes those southern dimes and dollars and pays them to Germany and other countries not to fix nitrogen to sell to the farmers of the South.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

Mr. BINGHAM. Mr. President, I make the point of order that no business has transpired since the last quorum call.

The PRESIDENT pro tempore. Yes; there has been a motion to adjourn, which was voted down and constitutes business.

Mr. BINGHAM. Mr. President, under the precedents a motion to adjourn is not business.

Mr. WATSON. I beg the pardon of the Chair. Has a motion to adjourn been made since the last quorum call?

The PRESIDENT pro tempore. The Chair so understands.

Mr. BLACK. The motion to adjourn was voted on?

The PRESIDENT pro tempore. And voted on.

Mr. SWANSON. Mr. President, a motion to adjourn is not in order until business is transacted; and a quorum was called immediately at that time. No business has been transacted since the last call of a quorum. If that is not held to be the case, a Senator can simply call for quorums and move to adjourn incessantly and the Senate can never do any business. One Senator can simply sit here and do that.

Mr. BLACK. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. After the absence of a quorum has been suggested, is it in order to make an argument?

The PRESIDENT pro tempore. Oh, yes, indeed.

Mr. BINGHAM. I think the present occupant of the chair was not in the Chamber the last time a motion to adjourn was made.

The PRESIDENT pro tempore. The present occupant of the chair was not in the Chamber when the last motion to adjourn was made.

Mr. BINGHAM. Since then the Senator from West Virginia [Mr. HATFIELD] raised the point of no quorum.

The PRESIDENT pro tempore. But the present occupant of the chair is informed by the clerks that after the quorum was developed the Senate voted on the motion to adjourn. Therefore, the Chair is inclined to believe that the call for a quorum is now in order.

Mr. BINGHAM. Does the present occupant of the chair hold that a motion to adjourn may be made as often as necessary in order that a quorum call may then intervene?

The PRESIDENT pro tempore. No; because the present occupant of the chair is prepared to rule presently, if necessary, that the motions are dilatory, and let the Senate decide that question once and for all.

Mr. BLACK. I did not understand the Presiding Officer.

The PRESIDENT pro tempore. The Chair, for the present, is inclined to believe that the call for a quorum is in order. The Senator from Connecticut propounded a somewhat problematical parliamentary inquiry with reference to a call for a quorum and a motion for adjournment constituting business—the same question, in other words, that has been raised by the Senator from Virginia [Mr. SWANSON]. The present occupant of the chair is prepared to rule at the proper time that all such motions are dilatory, and to permit the Senate to decide the question; but, for the minute, the Chair holds that the quorum may be called for.

The clerk will call the roll.

Mr. BLACK. The Chair's statement that a motion to adjourn would be held by the Chair not to be in order is so contrary to every rule that when that matter comes up, of course—

The PRESIDENT pro tempore. The Senate may decide that when the Chair makes the ruling. The Chair has not made the ruling yet. In the meantime the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Bingham	George	McGill	Shortridge
Black	Glenn	McKellar	Smith
Blaine	Goff	McNary	Stephens
Bratton	Goldsborough	Metcalf	Swanson
Brock	Hale	Morrow	Thomas, Idaho
Broussard	Harris	Moses	Townsend
Capper	Hastings	Norbeck	Trammell
Carey	Hatfield	Nye	Vandenberg
Couzens	Hebert	Partridge	Walcott
Dale	Heflin	Phipps	Watson
Davis	Howell	Reed	Williamson
Fess	Jones	Robinson, Ark.	
Frazier	Kean	Sheppard	

The PRESIDENT pro tempore. Fifty Senators having answered to the roll call, there is a quorum present.

INDEPENDENT OFFICE APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16415) making appropriations for the Executive Office and sundry independent Executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1932, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. JONES. Mr. President—

The PRESIDENT pro tempore. The Senator from Washington is recognized.

Mr. BLACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Alabama?

Mr. JONES. Mr. President, I thought—

Mr. BLACK. Mr. President, a point of order. Does the Chair now hold, in accordance with the agreement which was made before he took the chair, that I have lost the floor by reason of a quorum call?

The PRESIDENT pro tempore. The present occupant of the chair holds that the Senator from Alabama, having already spoken four times upon the question before the Senate, he is not entitled to speak again, and the Senator from Washington was recognized.

Mr. BLACK. May I ask the present occupant of the chair another question? Is the present occupant of the chair prepared to hold, when the appropriation bill comes up, that I would be deprived of the opportunity of speaking on amendments to the bill?

The PRESIDENT pro tempore. No, indeed.

Mr. BLACK. Would the Chair go that far?

The PRESIDENT pro tempore. Does the Senator mean on a conference report?

Mr. BLACK. I am talking about the appropriation bill, when it is reached.

The PRESIDENT pro tempore. What appropriation bill?

Mr. BLACK. The Chair holds that I do not have the floor.

The PRESIDENT pro tempore. The question before the Senate is upon agreeing to the conference report. There is no other question before the Senate. The Senator from Alabama has already spoken four times on that question.

Mr. BLACK. In my judgment the Chair is mistaken, if he has been informed that I have spoken four times on this question.

The PRESIDENT pro tempore. The Chair is taking the word of the clerks.

Mr. BLACK. I have had the floor once, as I recall. I do not recall having had it more than once.

Mr. WATSON. Mr. President—

The PRESIDENT pro tempore. The Senator from Washington [Mr. JONES] has the floor.

Mr. BRATTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from New Mexico will state it.

Mr. BRATTON. Regardless of how many times the Senator from Alabama has spoken, does the occupant of the chair hold that concededly having the floor when the quorum call was made he has lost the floor?

The PRESIDENT pro tempore. The Chair thinks that is the case. The Senator from Alabama can not hold the floor indefinitely by making motions and having quorums called. That is not within the spirit of the rules.

Mr. BRATTON. Mr. President, the ruling of the chair is so flagrantly at variance with the universal practice in the Senate that I must raise my protest against it.

The Senator from Alabama was occupying the floor when the quorum call was made. It has been the rule here, without exception, within my knowledge, that when a quorum call is completed the Senator who was occupying the floor should have the right to continue. On this occasion the occupant of the chair turns from the Senator from Alabama, who had the floor at the time the absence of a quorum was noted, and recognizes another Senator, and in that way invokes the rule, taking the Senator from Alabama from the floor.

I appeal to the sense of fairness of the Chair that such procedure is against the custom of the Senate; and, while not particularly in sympathy with the attitude of the Senator from Alabama, in a spirit of fairness I do not think he should be taken from the floor in that way. If that treatment is to be accorded him, it must be accorded every other Senator hereafter. If it is not to be accorded hereafter, it should not be dealt to him now. I appeal to the Chair that, while his ruling may be technically correct, it is against the unbroken custom of the Senate.

Mr. JONES. Mr. President, I desire to suggest that it has been the custom as well as the rule for a long time that the Senator holding the floor has to yield for a quorum call; and, of course, when he yields, he yields the floor. I advised the Senator from Alabama a while ago that as he had spoken once, I proposed hereafter to invoke the rule which allows a Senator to speak only twice on the same question on the same day.

That rule, I think, applies in this case. The Senator from Alabama could not yield without yielding the floor. If he yielded to somebody to call a quorum, that ended that speech.

Mr. BLACK. That statement only—

The PRESIDENT pro tempore. The Senator from Washington has the floor. The Senator from Alabama yielded the floor when the quorum was called, and the Senator from Washington now has the floor.

Mr. BLACK. A point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BLACK. Is it in order to make a statement that I have spoken more than once when I have not? I have had the floor once.

The PRESIDENT pro tempore. According to the record as kept at the desk, the Senator has had the floor four times on the same question, and the Senator from Washington now has the floor. The Senator from Alabama may appeal from the ruling of the Chair if he so desires.

Mr. BLACK. I do not care to appeal—

The PRESIDENT pro tempore. The Senator from Washington has the floor.

Mr. BLACK. I do not care to appeal from the ruling of the Chair, but I will take up the question later.

Mr. JONES. Mr. President, this is a conference report. I want briefly to refer to some of the provisions in it, because I know that the Senate is interested in them.

First, I want to refer to amendment numbered 72, on which the Senate conferees have receded. Senators will remember it when I mention it. It is the amendment under which the Senate sought to prevent retired officers from drawing retired pay in addition to a salary in excess of \$2,000.

The Senate will remember that that amendment was presented on the floor of the Senate, after there was read from the RECORD a list of retired officers who were in the employ of the Government, some of them drawing quite large salaries.

I want to say right here, I think I ought to say it, in justice to the general counsel of the Veterans' Bureau, Mr. Smith, who is drawing a salary of \$9,000 a year and is on the retired list at something between \$100 and \$200 a month, that I have learned that Mr. Smith rendered an opinion that a retired officer as such could not draw his retired pay and also a salary. He rendered that opinion himself. The Attorney General, however, overturned that opinion, and he being superior to Mr. Smith, Mr. Smith was legally entitled not only to draw his salary, but also to draw the compensation paid. I think in justice to Mr. Smith that should be said. I understand the question has been submitted to the Attorney General for reconsideration. I think the opinion originally was rendered by a different Attorney General than the present Attorney General.

This is the situation with reference to this matter: The amendment was presented on the floor of the Senate, and I do not think there was a Senator but who felt, when the salaries of the officers referred to were read from the RECORD, that it was very unjust to the Government that men drawing those salaries should also draw retired pay. It was under that feeling that no point of order was made against the amendment, and it was adopted as a part of the bill.

When the matter came up in conference, if I am permitted to relate anything that took place there, I will say that it appeared that the House conferees feel in regard to the matter just the same as we do—that is, they feel that the practice or policy followed as shown by the record should not be followed if it is possible to prevent it. But they feel that it is a matter which should be handled by legislative committees, after proper hearing and after both sides of the matter have been given opportunity to be heard. They cited several instances where this action would work very great injustice. It seemed to me that in the cases they cited injustice would result. I will give one of them.

They referred to the fact that one gentleman who was drawing \$3,000 or \$3,500 a year salary in the Veterans' Bureau was also getting compensation at a certain rate under the compensation act, and that just across the hall from him was another gentleman, drawing exactly the same salary, doing the same work, and getting retired pay equal to the compensation the first gentleman gets. If this amendment became the law the compensation would go on but the retired pay would stop. That would put the two men upon an inequality.

The House conferees cited several instances of that kind. That is what led them to believe that it was wise in dealing with a matter like this to have it handled by the proper legislative committees, so that hearings could be had and proper and correct legislation enacted.

Mr. REED. Mr. President, will the Senator permit a question?

Mr. JONES. In just a moment. They took a very firm position, and that was the main ground upon which they rested. It appealed very strongly to the Senate conferees, and under the circumstances we decided that it was wise to recede. I yield to the Senator from Pennsylvania.

Mr. REED. Mr. President, if I correctly understand the Senator, in order to avoid the inequality of which he speaks the conferees are continuing an inequality, whereby a sergeant who gets compensation for 30 per cent disability gets \$30 a month, and Mr. William Wolfe Smith, if he is 30 per cent disabled, gets \$187 a month. Is not that a more shocking contrast than the one of which the Senator speaks?

Mr. JONES. Certainly it is. There is no question about that. I simply gave that as one instance.

Mr. REED. Would it be possible, if this conference report were rejected, to get a modification of this clause, so that it would apply only to officials of the Veterans' Bureau, and only to those who were drawing salaries of, say, \$4,000 a year or more?

Mr. JONES. I will say to the Senator that I suggested that very proposition, that it should apply only to the medical department of the Veterans' Bureau, and I fixed \$3,500 or \$4,000 a year as the limit. The House conferees felt that they could not agree to that, that the whole question ought to be considered by the legislative committees of the House and Senate, and the whole problem dealt with after full and careful consideration and hearing.

Mr. REED. I hope the Senator understands that the veterans themselves approve this amendment. I think I have had at least a thousand letters favoring it, and not 25 opposing it. I think many of them feel that it is a gross discrimination against the enlisted men of the Army, who have so much trouble establishing their compensation status, while apparently it is very easy for these men to establish the 30 per cent disability which gives them this big retirement pay.

Mr. JONES. Mr. President, I want to say to the Senator that I sympathize more with the enlisted man than I do with the officer. I have not received any protest, however, from enlisted men that I remember, but I have received quite a good many letters from officers. I think one or two of those officers rather favored, if action had to be taken, action somewhat along the line suggested by the Senator from Pennsylvania a moment ago; but others pointed out what they considered injustices in taking action in this way.

Mr. REED. Mr. President, I have a letter in my hand from a sergeant who served overseas in action, and who was wounded. He was sent to Mount Alto for diagnosis, here in Washington. He said that while he was there several months—

hundreds of emergency officers presented themselves for observation and treatment prior to the Veterans' Bureau acting on their claims for retirement, and this gave me a splendid opportunity to observe what was going on. It was difficult for one to understand why so many doctors were being retired under the act. I heard from the lips of more than one at this institution that more doctors and dentists were seeking retirement than were emergency officers who actually saw active service at the front, particularly officers of infantry and artillery regiments.

I have no prejudice against the officers of the Army, but I think there is no reason in the world why a man's compensation should be based on his rank, not on his disability. If an officer is seriously disabled, I want him to get a large amount of compensation, and the same with an enlisted man, but there is no sense or justice or reason in giving a man large retirement pay merely because he wore a Sam Brown belt, but did not wear chevrons on his sleeve.

Mr. JONES. I sympathize very much with the view of the Senator from Pennsylvania, who is more familiar with matters of that kind than I am.

Mr. REED. I want to say to the Senator that I am not going to quit, and if it is necessary to go through the legislative committees to get some relief from this condition, I mean to try to do that in the next session.

Mr. JONES. I want to see that done. I think it ought to be done just as quickly as possible, and the Military Affairs Committee of the Senate and the Military Affairs Committee of the House try to work out a proposition that will be far more equitable and just than the present practice.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. The Senator has referred to the fact that no point of order was made against the amendment of the Senator from Pennsylvania. I think he will recall that the amendment was regarded as not subject to a point of order for the reason that it was a limitation on the use of funds appropriated in the bill, the provision being that no part of the appropriation should be used for the retirement pay of officers who were drawing a certain salary.

Mr. JONES. Mr. President—

Mr. ROBINSON of Arkansas. There may have been some provision in the amendment which I do not recall that would have made it subject to a point of order. I think it might have been made applicable to other acts.

I pointed out at the time the difficulty which has arisen in conference, namely, that the statutes apparently authorized the payment of the retired emergency officers' pay, and that salaries are fixed by law, or regulation of the department under the authority of law, and that it would result in claims being presented to the Congress unless the statutes were changed so as to forbid the collection of the salary and the retired pay.

Mr. JONES. I will read the provision and the Senator will see that it was more than a limitation. As a matter of fact it was not a limitation but pure legislation. It provided:

Provided, however, That no person shall on and after July 1, 1931, be entitled to and/or paid retired pay under the disabled emergency officers' retirement act of May 24, 1928, (45 Stat. 735), for any period during which he is receiving a salary, pay, and/or compensation from the United States which exceeds \$2,000 per annum; and said disabled emergency officers' retirement act of May 24, 1928, is hereby amended accordingly.

Mr. ROBINSON of Arkansas. The Senator is correct. It was legislation, and therefore subject to a point of order.

Mr. SMITH. Mr. President, may I ask the Senator from Washington a question?

Mr. JONES. I yield.

Mr. SMITH. What action have the conferees taken on the proposed amendment relating to the retired officers?

Mr. JONES. The Senate conferees receded on that amendment under the conditions I have stated.

Mr. SMITH. I propounded the question because, after studying over the situation, it seemed to be that provision would work a hardship and would be unfair to the officers, because the allowance given an officer for disability is really in the nature of a pension, and any salary he might earn in addition to that should not be based upon the percentage of his disability.

I had brought to my attention this possible situation: A man might have a rating of disability which would give him, say, \$1,800 a year, \$150 a month. He might be drawing a salary of \$1,800. Therefore he would not be under the prohibition of this amendment. But the two combined would make \$3,600. On the other hand, a man having the same rating as to disability might get \$2,100 salary. His disability payment would be disallowed, and he would be restricted to the \$2,100. One would receive \$3,000 and the other would receive \$2,000, having the same rate of disability. I thought it was nothing but right on our part that before we passed any such bill we should so adjust it as to clear up in the minds of Senators and of the public whether or not the disability allowance was regardless of the subsequent earning power of the individual. It seems to me, whatever the disability allowance is to be, it is in recognition of the diminution of his earning power and whatever he might earn in private or public life after that is a matter that should not concern us.

Mr. REED. Mr. President, will the Senator yield?

Mr. JONES. I yield.

Mr. REED. The trouble is that the allowance—

Mr. BRATTON. Mr. President, a parliamentary inquiry. The PRESIDENT pro tempore. The Senator will state it.

Mr. BRATTON. Can the Senator from Washington yield first to the Senator from Pennsylvania, then to the Senator from Arkansas, then to the Senator from South Carolina, and now again to the Senator from Pennsylvania, and still hold the floor?

The PRESIDENT pro tempore. He can yield for a question.

Mr. BRATTON. He has not done so.

Mr. JONES. Of course, if the rule is going to be invoked on this matter I shall not yield except for a question.

The PRESIDENT pro tempore. The Senator from Washington may not yield except for a question.

Mr. REED. Mr. President, will the Senator yield to me for a question?

Mr. BLACK. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state the point of order.

Mr. BLACK. The point of order is that the Senator from Washington having yielded for purposes other than a question, a fair interpretation of what has occurred would be that he has violated the rule. I ask for an enforcement of the rule that the Senator shall not yield except for a question. He has yielded for other purposes.

The PRESIDENT pro tempore. The Chair will hold that Senators interrupting the Senator from Washington were probably leading up to a question if they had not yet asked it.

Mr. JONES. The Senator from Pennsylvania asks me to yield for a question. I yield to him for a question only.

Mr. REED. My question is, Does not the Senator from Washington think that the Senator from South Carolina [Mr. SMITH] would be interested in knowing the trouble is that the disability allowance of which he speaks is not proportionate to the disability, but proportionate to the rank, and that is where the trouble comes.

Mr. SMITH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Carolina for the purpose of propounding a question?

Mr. JONES. I think I shall not yield now, though I should like very much to do so.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. JONES. I think the Senate understands the situation. That was the situation that confronted the conferees. I think there was not a Senator on the floor who did not sympathize with the action of the Senator from Pennsylvania upon the showing that was made. The conferees did not change their views with reference to the matter, but we did feel that while we were trying to correct some inequalities we might by this hasty legislation create some others almost as bad. We thought it was wise to agree with the House conferees. They took a very firm stand in the matter and we thought it wise to agree with them that legislation should be introduced and referred to the proper committees and dealt with after careful consideration and hearings, giving those interested an opportunity to be heard. That is the situation with reference to that item.

There are three or four items reported as in disagreement. There is a tentative agreement on the part of the conferees that the House conferees will present those amendments to the House with a tentative agreement to ask the House to recede and concur in the amendments. I think I should explain those briefly to the Senate.

Amendment No. 38 relates to the Housing Corporation. Senators will recall that provision. We struck out the whole provision. The conferees have tentatively agreed upon a proposition like this: Instead of appropriating \$33,000 or \$26,000 as the Senate provided, or \$19,600 as the House provided, the conferees have agreed upon a \$15,000 appropriation for the next fiscal year for the Housing Corporation. In other words, they have agreed upon a sum smaller than either the House or the Senate agreed on. We felt that we could do that because, as a matter of fact, the action of the Senate was to strike out the entire provision.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas for a question?

Mr. JONES. I yield.

Mr. ROBINSON of Arkansas. Will the arrangement in contemplation probably result in a deficiency appropriation to pay additional salaries?

Mr. JONES. I do not think so. We accepted the provisions which the House committee reported to the House, but some of them were stricken out and modified. They are in effect that no more than one person shall receive a salary of over \$4,900. The House conferees and we understand that that salary will apply to the attorney who is looking after the legal phase of the business. There are some legal matters that have not been adjusted and some legal controversies still involved, and if anyone is paid \$4,900 it will be the attorney who looks after those matters. The other work is transferred to the Department of Labor. As I told the Senate when the matter was up before, the Commissioner of Labor came before the committee and said they were not ready to take over this work then, that they were not prepared to do it. This provision will not go into effect until the 1st of July, and that will give them ample time to prepare to take over the work. The provision in brief makes the chief clerk of the Labor Department one of the officials of the Housing Corporation to carry on its business, and also makes the fiscal agent of the Department of Labor the fiscal agent of the Housing Corporation. We feel that with this money, which is less than either House first recommended, the affairs of the corporation can be carried on during the next year and very likely brought to a close by that time.

There are certain employees necessary in connection with the Mount Vernon road. Colonel Grant came before the committee and urged very strongly that the civil service laws should not be applied to certain of those employees. He said there must be experts employed in appraising the land, passing on titles, and so forth, some of whom would be retained only a short while, and that it would be very inconvenient and very cumbersome to require them to take those employees from the civil-service list. We felt that that was the case, so we wrote a provision, and the House conferees agreed to the provision, but said that under their rules they would have to take it back to the House, but that they would recommend its adoption.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. Why should not either the Department of Justice or the legal staff connected with the District of Columbia pass upon the titles of the purchases that are to be made?

Mr. JONES. It is not a matter of passing upon titles. It is a matter largely of the appraisal of land.

Mr. KING. The Senator used the term "passing on titles."

Mr. JONES. I did not intend to use that term. It is more a matter of appraising land, and so on. It did not refer to attorneys.

Then there is the matter of purchasing supplies in this country, the product and growth of this country. I want to say that the conferees on the War Department appropriation bill had this question before them in connection with that bill. We wrestled with it for a good while. There were many differences of opinion as to what should be done. Finally we agreed upon a provision that would cover the matter fully and clearly and as far as we thought we could go.

Senate conferees on the bill now before us agreed to that provision, but the House conferees had to take it back so they will recommend to the House, while they report a disagreement, that it accept that provision.

Mr. SHORTRIDGE. Mr. President, will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. I yield.

Mr. SHORTRIDGE. Did the conferees agree to a provision substantially the same as is in the War Department appropriation bill?

Mr. JONES. As it was agreed to by the conferees on that bill. We agreed to exactly that provision with the necessary modifications of language to meet the terms of the bill.

Mr. SHORTRIDGE. Preference being given to American producers?

Mr. JONES. Yes; but the substance of it is exactly the same. We took that provision in the War Department appropriation bill as a model.

As to the Shipping Board provision, the Senate recommended a limit on the authorization of the appropriation act which was passed shortly after the Shipping Board act was passed, limiting the authorization to \$150,000,000. The Senate agreed to the amendment raising it to \$185,000,000 so that it would cover the amount of \$35,000,000 carried in this bill for the next fiscal year. It was necessary to do that. The House conferees agreed to that amendment and said they would have to take it back to the House, so as a matter of fact, while we have reported a disagreement, yet they will recommend to the House that the House agree to the amendment, and they expect the House to do it.

Mr. KING. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. Does not the Senator think that the matter inserted on page 50 is new legislation and therefore subject to a point of order?

Mr. JONES. It would not be subject to a point of order now because, if it is new legislation inserted in the Senate, it has been passed upon.

Mr. KING. Perhaps I did not speak accurately. Did not the conferees exceed their authority in inserting in the bill the legislation found on page 50, lines 1 to 5, inclusive?

Mr. JONES. The conferees did not insert that language. That was an amendment offered on the floor of the Senate after an explanation of the situation. The point of order could have been made upon it at that time, but it was not made. The amendment was agreed to when the necessity for the increase was explained. As I said, the House conferees, while they tentatively agreed to it, said under their rules they would have to take it back to the House and submit it to the House, but they expect to submit it with their recommendation that it be agreed to.

When that matter was brought up on the floor of the Senate the situation was explained, and what we were trying to meet and what was necessary to be done to meet the situation was explained. No point of order was made and so it went into the bill.

Mr. KING. Does the Senator contend that the language found in the paragraph referred to is identical with the language that was in the bill when it left the Senate?

Mr. JONES. Oh, yes. We had to bring this amendment back in disagreement because, as I said, the House conferees felt that they had to take it back to the House under their rules, but said they would recommend that it be adopted.

Mr. President, I think those are all the items of special importance.

Mr. KING. Mr. President—

The PRESIDING OFFICER (Mr. ROBINSON of Arkansas in the chair). Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield.

Mr. KING. I ask the Senator what disposition was made of the amendments which were offered by the Senator from Wisconsin [Mr. LA FOLLETTE] with reference to the sea service bureau?

Mr. JONES. The House conferees would not agree to that at all. I think that was the last amendment that was passed upon by the conferees.

Mr. KING. May I ask the Senator why the Senate conferees receded without bringing it back to the Senate? The Senator will recall that when a former appropriation bill was under consideration the same amendment was offered, I think, by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Senate expressed itself then as it expressed itself the other day when the bill was before the Senate. It seems

to me, without desiring to be critical or censorious, that the conferees have not quite discharged their duty; that they have not quite treated the Senate fairly in this matter. I think they ought to have brought that matter back and held it to be in disagreement and asked the judgment of the Senate upon it.

Mr. JONES. I know the matter has been in various bills during the last two or three or four years, and it has had to go out in conference each time. I think I was not on any of the other conference committees. I do not remember now. We felt that we had gone just as far as possible. We did not believe the House conferees under any circumstances would recede. They had a very strong letter from the Shipping Board against the proposition. It was pointed out how the American proportion of crews on board American vessels had been increasing for several years right along. The House conferees took a very firm stand on it. We felt we had gone just as far as we could, and that we ought not to be called upon to endanger the passage of the bill when it seemed absolutely impossible to get any recession on the part of the House conferees.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. JONES. I yield for a question.

Mr. KING. It is scarcely a question. I want to be entirely fair. It would be an observation rather than a question.

Mr. JONES. I would be glad to yield to the Senator for a question, but I feel that I have fully explained the situation in reference to the amendment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington that the Senate agree to the conference report.

Mr. BLACK. Mr. President, I move that the conference report be recommitted with instructions that the Senate conferees insist on the amendments of the Senate.

The PRESIDING OFFICER. The Senator from Alabama moves that the conference report be recommitted to the committee with instructions; namely, that the Senate conferees be directed to insist upon the Senate amendments.

Mr. JONES. I want to suggest that the vote would first come on the motion to concur in the conference report, because that tends to bring the two Houses together.

The PRESIDING OFFICER. The Chair holds that the motion to recommit would take precedence.

Mr. BLACK. Mr. President—

Mr. JONES. I shall not question the decision of the Chair, although I think it should be the other way.

Mr. SHORTRIDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from California?

Mr. BLACK. In just a moment I will yield.

Mr. SHORTRIDGE. I ask the Senator to yield merely for a question.

Mr. BLACK. I will yield to the Senator for a question.

Mr. SHORTRIDGE. Does the Senator think that he can advance the cause of Muscle Shoals by prolonging the session to-day?

Mr. BLACK. I had just started to make another statement, but I will say that the Republican administration has succeeded in stopping any Muscle Shoals legislation for 10 years, and it is my judgment that it will do so for 10 more years if it can, and that the only way to secure action is for the Senate to exercise its right. I think if the Senate would now insist upon no other proposed legislation going through until we had secured Muscle Shoals legislation we should obtain it, just as the Senate obtained \$20,000,000 for drought relief. That was obtained only after the President and the Secretary of Agriculture had stated that under no circumstances would they agree that the Government should loan money for food, because it was perilously near a dole. However, they did yield and they would yield on Muscle Shoals legislation if the Senate would exercise its powers to that end.

What I rose to say, however, was that at the time I was taken off the floor by the Senator from New Hampshire I

was just preparing to state to the Senate that I did not intend to speak any longer; that I had spoken on Muscle Shoals for some time, and thought I had directed the attention of the Senate to it, but I was deprived of the right to make that statement by the Senator from New Hampshire then in the chair, who took me from the floor. He was technically within his rights as presiding officer.

But, Mr. President, I do regret that in this body there was only one who raised a protest. I thank the Senator from New Mexico [Mr. BRATTON]. There are some who would like to curtail the right of free speech in this body. There are those who would agree to a plan where no man has a right to get the floor unless he can address the Presiding Officer and have the Presiding Officer ask, "For what purpose does the gentleman rise?" There are some who believe that that would greatly improve our governmental system; they would deprive the Nation of this last refuge of free speech, of a forum where men may express themselves freely; but, in my judgment, that does not meet with the approval of a majority of the Members of this Senate. Whether they agree or not with the subject which is being discussed, just as in the case of the Senator from New Mexico [Mr. BRATTON], they are willing to express themselves as being opposed to any such movement.

I simply wanted at this time to show that as yet under the rules of the Senate this is still a free body, and I think it will continue to be so, because its Members are elected by the people, and the people are not willing to surrender this last forum of free speech. I thank the Senator from New Hampshire for having given me this opportunity to rest for a few moments before I had announced that, so far as I was concerned, I had said all I expected to say to-day; that I had attempted to present the cause of the people whom in part I represent, and expected to do so again later. If there shall not be legislation on the subject of Muscle Shoals it is my intention to continue to do so from day to day. I know of no other manner in which to bring this subject to the attention of the public, although of course I realize that there are a great many newspapers which will not publish anything about a question which is so fraught with danger and in preventing action on which two great interests have proved themselves powerful for so long a time.

Mr. President, it is not my intention at this time to say any more on the subject, except to protest, as the Senator from New Mexico protested, against the attempted effort to prevent a proper discussion of any subject which a Senator deems that he has a right to discuss upon this floor. That may be good Republican doctrine, because the Senator from New Hampshire is a good Republican, but I do not believe it is the doctrine of the majority of the Members of this Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama.

Mr. KING obtained the floor.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. BLACK. Unless the Senator desires to insist upon the motion, so far as I am concerned, I am perfectly willing to withdraw it.

The PRESIDING OFFICER. The Senator from Alabama has the right to withdraw his motion.

Mr. BLACK. I desire to withdraw it.

The PRESIDING OFFICER. The motion will be withdrawn, if there is no objection. The Chair hears none.

Mr. KING. Mr. President, I had hoped that we might have a vote upon a motion to recommit the conference report with instructions that conferees adhere to the action of the Senate with respect to the amendment offered by the Senator from Wisconsin, and also in order that the item carrying \$35,000,000 to be used by the Shipping Board for loans to shipbuilding companies be eliminated from the bill.

I am opposed, Mr. President, to the action of the conferees in striking out the amendment offered by the Senator from Wisconsin. It seems that whatever the Shipping Board asks it obtains. As in the case of other Federal bureaus and instrumentalities the legislative branch of the Government

yields to their demands. It has been charged that Congress has ceased to exercise its true legislative functions and simply records or indorses the measures proposed by others; that it is utilized by Federal agencies and various organizations to give the stamp of approval to plans and policies which they submit.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. McKELLAR. I will say to the Senator that there has been an authorization of \$150,000,000 for shipbuilding purposes. During the last few years that authorization has been substantially exhausted, there remaining, as I recall, \$7,000,000, \$142,000,000 having been loaned to the great shipping interests, at an average rate of interest, I think, of 1.8 per cent. They have used that enormous fund for shipbuilding, and have asked for \$35,000,000 more this year.

There was no authority for it, but in this bill the authorization was proposed to be raised to \$250,000,000, so that hereafter larger sums could be loaned to the shipbuilders at a very small rate of interest, though the rate of interest has been increased by a recent act.

I objected to that authorization to the extent of \$250,000,000, and finally we agreed to make the authorization \$185,000,000, so as to cover substantially this year's appropriation, which had already been passed by the House. The result is that hereafter, in order for the shipping interests to get money at very low rates of interest, there will have to be another authorization bill, as the money has practically all been used up to the limit of the authority.

Mr. KING. Mr. President, I appreciate the zeal which the Senator from Tennessee has exhibited as a member of the Appropriations Committee in trying to protect the Public Treasury against the continuous assaults made upon it by the Shipping Board as well as by other Federal agencies.

We have appropriated \$500,000,000 for one Federal agency, namely, the Farm Board, and we are now called upon to increase the appropriation heretofore authorized in behalf of the Shipping Board to the extent of from \$150,000,000 to \$185,000,000.

Mr. JONES. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. KING. I yield.

Mr. JONES. The Senator is mistaken. We are not increasing the amount \$185,000,000.

Mr. KING. I meant in the aggregate.

Mr. JONES. We are making an increase of only \$35,000,000.

Mr. KING. Thirty-five million dollars plus \$150,000,000 heretofore appropriated make \$185,000,000.

Mr. JONES. That has been heretofore appropriated.

Mr. KING. If I said it was appropriated in this bill, of course that was an error; but, doubtless, at the next session of Congress a demand will be made to increase the appropriation from \$185,000,000 to \$250,000,000.

Mr. President, we seem to have lost a proper sense of proportion when we come to deal with appropriations. In my opinion appropriations will be made during this session of Congress aggregating between five and six billion dollars. Even if there shall be no appropriation for the ex-service men, there will be a deficit of approximately \$500,000,000. There are pending before committees of the House and the Senate measures calling for several billion dollars; what the total appropriations and authorizations will be no one can definitely determine at this time. The Federal Treasury seems to be a fountain, according to the views of many, which is inexhaustible, and it is resorted to in order to meet the demands of States and their political subdivisions as well as individuals. The National Government must meet all national demands, but it is being called upon to carry many burdens which belong to the States and to communities and individuals.

I wonder if we stop to consider the sources from which the Treasury of the United States is to draw its funds. The Treasury is not replenished by manna falling from heaven. Golden dollars do not fall from the skies.

They are taken from the pockets of the people, who are now subjected to burdens which they are unable to bear. The billions required to meet the expenditures of the Federal and State Governments constitute a crushing burden and an impediment to business revival.

Mr. President, I think the appropriations which will be made for the next fiscal year by States and their political subdivisions and the Federal Government will exceed \$13,000,000,000, perhaps as much as \$15,000,000,000. The entire earnings of all the people of the United States for the years 1930 and 1931 will not be as large as stated a day or two ago by a distinguished Senator upon the other side. He said the gross annual income of the people was \$90,000,000,000.

In my opinion for 1930 the gross income was not more than \$70,000,000,000. Assume that the appropriations are only \$13,000,000,000; place that as against seventy or eighty billions of dollars, the gross earnings of all the people of the United States, and it is obvious that there is imposed upon the people a burden of taxation scarcely exceeded by some of the tax-ridden countries of Europe.

Demands are made from every part of the United States for appropriations from the Federal Treasury. The people apparently forget that obligations rest upon the States, upon individuals, upon municipalities; and they are attempting to transfer from States and local political subdivisions to the Federal Government burdens of taxation to meet proper domestic obligations. The tendency is to compound into one mass the National and State Governments. We are trying to obliterate State lines. Indeed, States are becoming geographical expressions.

I am opposed to an additional appropriation of \$35,000,000 for the Shipping Board. The history of the Shipping Board and the Emergency Fleet Corporation is not one of which we can be proud. Already those organizations have expended approximately \$3,600,000,000. There is but little to show for this huge expenditure. There are a few vessels, rather archaic, and unsuitable to compete with many other ships built in Europe since the World War. Germany is constructing a merchant marine, the vessels of which cross the Atlantic in from 24 to 48 hours' shorter time than most of those owned by the Shipping Board. Soon these vessels which the Shipping Board is operating, and operating at a loss to be met out of the Federal Treasury, will be ready for the scrap heap. Indeed, some of them should have been scrapped years ago.

Now, Mr. President, we are called upon to add \$35,000,000 to the appropriation heretofore authorized to enable the Shipping Board to loan money to private interests at a very low rate of interest. Some of the companies need no loans from the United States and are not entitled to subsidies. They have resources adequate for their legitimate needs. They are deriving enormous subsidies in the form of postal contracts, and under which they obtain tens of millions of dollars annually from the Treasury. Under some of these contracts various shipping companies are not required to construct vessels. They obtain subsidies without sufficient ground and without advantage to the Government.

I have before me a list of many contracts, some of which show enormous subsidies paid and contracted to be paid—subsidies which will amount, with respect to one company, to \$27,000,000 in the next few years, and to other companies from five, ten, and fifteen millions of dollars within the same period of time—companies which were operating vessels before the contracts under which they now operate were entered into. It looks as if these contracts were made, not with reference to the welfare of the country, but in the interest of some shipping companies. I protest against some of these postal contracts, against this \$35,000,000 for the Shipping Board, in order that it may loan it to some of the great shipping interests who do not need Federal loans and do not require subsidies in order to continue their operations.

I know, however, that opposition to the measure before us is futile. The Senate is committed to this unwise and imprudent policy.

Reference has been made by the Senator from Washington to the amendment offered by the Senator from Wisconsin.

The Shipping Board, of course, wants to have perpetuated the organization which that amendment sought to destroy; and it attributes to that organization services and valuable activities in the interest of improving conditions in our merchant marine.

It is said that it has improved the personnel of the seamen upon our vessels. Why, Mr. President, Mr. Andrew Furuseth and the organization which he represents have done important work in improving the morale of our seamen and in increasing the number of American seamen competent to man our merchant ships. This little parasitic organization which the Senate upon several occasions has attempted to destroy has been an incubus rather than a benefit; but because the Shipping Board says, "We want it continued," the Senate conferees yield.

There are other points that I should like to discuss, but the lateness of the hour, and my great anxiety to see all appropriation bills pass at the earliest possible date, impels me to desist from further comments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington [Mr. JONES] that the conference report be agreed to.

The report was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. BINGHAM. Mr. President, I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The Senate resumed the consideration of the bill (H. R. 16738) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1932, and for other purposes.

Mr. LA FOLLETTE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Barkley	Glenn	La Follette	Robinson, Ind.
Bingham	Goff	McGill	Sheppard
Black	Goldsborough	McKellar	Shortridge
Blaine	Hale	McNary	Smith
Bratton	Hastings	Metcalf	Smoot
Brock	Hatfield	Morrow	Stelwer
Broussard	Hayden	Moses	Stephens
Capper	Hebert	Norbeck	Thomas, Idaho
Carey	Heflin	Nye	Townsend
Dale	Howell	Oddie	Trammell
Davis	Johnson	Partridge	Tydings
Dill	Jones	Patterson	Vandenberg
Fess	Kean	Phlips	Walcott
Frazier	Kendrick	Reed	Watson
George	King	Robinson, Ark.	Williamson

The PRESIDING OFFICER. Sixty Senators having answered to their names, there is a quorum present.

The Secretary will report the pending amendment.

The LEGISLATIVE CLERK. The Senator from Maryland [Mr. TYDINGS] offers the following amendment, to insert at the proper place the following:

The widening of Seventeenth Street NW., between H Street and Pennsylvania Avenue, \$17,044.28.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The LEGISLATIVE CLERK. The Senator from Maryland [Mr. TYDINGS] also offers the following amendment, to be inserted at the proper place:

The grading of Eastern Avenue between Bunker Hill Road and Queen's Chapel Road, \$7,740.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BINGHAM. Mr. President, since we adopted the committee amendment on page 50, line 23, the Commissioners have brought to my attention the fact that there is some unexpended money available. Therefore, I ask unanimous consent that the vote whereby the amendment was agreed to be reconsidered, in order that I may offer a substitute amendment.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered. The Chair hears no objection, and the vote is reconsidered.

Mr. BINGHAM. I desire to offer an amendment in lieu of the committee amendment. On page 50, after line 22, I move to insert the language I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. In lieu of the committee amendment on page 50, lines 23, 24, and 25, the Senator from Connecticut proposes to insert the following:

Not exceeding \$120,000 of the unexpended balance of the appropriation for "Buildings and grounds, public schools," contained in the District of Columbia appropriation act for the fiscal year 1931, is made immediately available and shall continue available during the fiscal year 1932 for the erection of an 8-room addition to the Janney School and the necessary remodeling of the present building.

Mr. KING. Mr. President, as I understand it, there is a sufficient amount now in the Treasury, which was heretofore appropriated, to erect this building, and it is not necessary to make an additional appropriation?

Mr. BINGHAM. That is true. The fact is that on account of the falling off in building at the present time contracts for the erection of two junior high-school buildings have been let at about \$120,000 below what they would have cost if they had been built a year ago, and that money we seek to have made immediately available for the addition to the Janney School in Tenleytown.

Mr. KING. Mr. President, under the method of book-keeping used now, that amount, \$120,000, will be subtracted from the aggregate carried in the bill?

Mr. BINGHAM. Yes; it reduces the aggregate of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BINGHAM. Mr. President, I desire to offer another amendment, and I desire to make an explanation in connection therewith, because a point of order will lie against it if there is any objection.

The courts have decided that the Borland law can not be interpreted as it has previously been interpreted in regard to assessments for curbs and gutters. Therefore the House of Representatives has passed a bill to provide for special assessments for the paving of roadways and the laying of curbs and gutters, and the Senate Committee on the District of Columbia has approved of such a bill, and it is now on the calendar.

Whether there will be an opportunity to get that bill passed or not is somewhat problematical. In view of the fact that there is a universal demand in the District for this legislation, and in view of the fact that if it is not passed a large amount of money available for improvements can not be used, the commissioners have asked that an amendment be offered to the pending bill on page 28, line 10, the amendment to consist of the bill which has passed the House, and which has been reported favorably to the Senate, I understand unanimously, by the legislative committee on the District of Columbia. Therefore I ask that this amendment be inserted on page 28, after the word "collected," on line 10, as a separate paragraph.

The PRESIDING OFFICER. The amendment will be stated.

Mr. KING. Mr. President, I was wondering whether the Senator desired to have the amendment read. We have considered it here on a number of occasions. As the Senator has said, it was unanimously reported, after full consideration, by the Committee on the District of Columbia. The Senator from Kansas [Mr. CAPPER], the Chairman, and the Senator from Wisconsin [Mr. BLAINE], are very anxious to have this amendment agreed to. The senior Senator from New York [Mr. COPELAND], who had the matter in charge, has charged some of us with the responsibility of trying to have the bill accepted as a part of this bill. I appeal to Senators to accept the amendment.

Mr. BINGHAM. Mr. President, I am willing to accept the amendment, and I hope it will be adopted, since it has been so fully explained before. The report has been before us for a long time. I hope the reading of the amendment may be dispensed with.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Connecticut.

Mr. JOHNSON. Mr. President, I inquire whether this is the amendment to which the senior Senator from Pennsylvania [Mr. REED] objected the other night as being retroactive in character.

Mr. BINGHAM. That Senator has now withdrawn his objection.

Mr. JOHNSON. I understand that; but is this the same amendment?

Mr. BINGHAM. I think it is the measure to which the Senator from Pennsylvania objected.

Mr. JOHNSON. Is it a retroactive enactment?

Mr. BINGHAM. I do not so understand it.

Mr. JOHNSON. I make the point of order, because it ought not to go to a bill of this sort, anyway. When we reach the bill on the calendar, if we are to consider the calendar to-night, we can take up the measure. I make the point of order that it is new legislation, inappropriate, and not germane to the pending bill.

Mr. BINGHAM. Will the Senator withhold the point of order until the Senator from Pennsylvania can be sent for?

Mr. JOHNSON. Oh, no. I know the Senator from Pennsylvania does not object to it, if that is what the Senator from Connecticut has in mind.

Mr. BINGHAM. Yes.

Mr. JOHNSON. I am not objecting in behalf of the Senator from Pennsylvania. I am making a point of order for myself.

The PRESIDING OFFICER. The Senator from California makes a point of order against the amendment. The Chair understood the Senator from Connecticut to concede that the amendment is subject to a point of order.

Mr. BINGHAM. Although it has been reported by a legislative committee, it is new legislation, and I believe it is subject to a point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. BINGHAM. I now ask unanimous consent that the clerks may change the totals in the bill wherever necessary.

The PRESIDING OFFICER. Without objection, that request will be granted. The Chair hears no objection, and it is so ordered. The question is on engrossing the amendments and reading the bill a third time.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. BINGHAM. Mr. President, I move that the Senate insist upon its amendments, ask for a conference, and that the Chair appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. BINGHAM, Mr. PHIPPS, Mr. CAPPER, Mr. GLASS, and Mr. KENDRICK conferees on the part of the Senate.

ADDITIONAL REPORTS OF COMMITTEES

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 5524) to coordinate the agricultural experiment-station work and to extend the benefits of certain acts of Congress to the Territory of Porto Rico, reported it without amendment and submitted a report (No. 1642) thereon.

Mr. DALE, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6018. An act to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn. (Rept. No. 1643); and

S. 6045. An act authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, main-

tain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill. (Rept. No. 1647).

Mr. DALE also, from the Committee on Commerce, to which was referred the bill (S. 5987) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont., reported it with an amendment and submitted a report (No. 1644) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports therein:

S. 5782. An act to extend the times for commencing and completing the construction of a bridge across the Maumee River at or near its mouth, in Lucas County, Ohio (Rept. No. 1646); and

S. 6064. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind. (Rept. No. 1645).

Mr. STEIWER, from the Committee on the Judiciary, to which was referred the bill (S. 2358) to provide for the appointment of an additional district judge for the western district of Washington, reported it with an amendment and submitted a report (No. 1648) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 15496. An act to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia (Rept. No. 1649); and

H. R. 16691. An act permitting the laying of a conduit across E and F Streets SW., in the District of Columbia (Rept. No. 1650).

ADDITIONAL BILLS INTRODUCED

Additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HATFIELD:

A bill (S. 6190) authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia, or the successors of said commission, to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State; to the Committee on Commerce.

By Mr. REED:

A bill (S. 6191) allowing the Administrator of Veterans' Affairs on the relinquishment of his present office in good standing to receive 50 per cent of the salary for the office as now authorized by law; to the Committee on Finance.

EMPLOYMENT OF LABORERS

Mr. WATSON submitted the following resolution (S. Res. 453), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms hereby is authorized and directed to employ two laborers to be paid from the contingent fund of the Senate at the rate of \$1,260 each per annum until otherwise provided by law.

GEORGE A. CARRICK

Mr. WATSON submitted the following resolution (S. Res. 454), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 125, agreed to October 5, 1929, authorizing and directing the Sergeant at Arms to employ George A. Carrick as a laborer to be paid out of the contingent fund of the Senate at the rate of \$1,260 per annum until the end of the present Congress, hereby is continued until the end of the first regular session of the Seventy-second Congress.

BUSINESS OF THE EVENING

Mr. McNARY, Mr. KING, Mr. HALE, and Mr. HOWELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. McNARY. Mr. President, I offer the following unanimous-consent agreement, and ask that it be read by the clerk.

The PRESIDING OFFICER. The clerk will read the proposed agreement.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that immediately following the disposition of the District of Columbia appropriation bill, the Senate proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 1620, subject to the limitation of debate provided in Rule VIII, and continue their consideration until the calendar is completed, or until not later than 11 o'clock p. m.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement?

Mr. DILL. Mr. President, does not the Senator think it is a mistake to take up the calendar at this hour, with scarcely more than a quorum here? Would it not be better to make the unanimous-consent request for to-morrow at 12 o'clock?

Mr. McNARY. Mr. President, yesterday I stated that I would offer this proposal immediately following the disposal of the District of Columbia appropriation bill. That was at the request of a great many Senators. All Senators have been apprised of the situation. The statement I made is in the Record. A great many Senators were here yesterday when I made the request, and I am now making this proposal, not on account of my interest in any particular bill but at the request of a great many Senators. We are here to-night with a quorum, and it has been nearly a week since we have had a call of the calendar. I think we should go through the calendar to-night for the consideration of unobjected bills. If there is any contested bill reached on the calendar, or if any controversy arises, I would not propose that we proceed with such a measure, but I hope the Senator from Washington will permit the proposal to go through.

Mr. DILL. Mr. President, I do not want to be put in the position of objecting, but there are many Senators away. A quorum call a short time ago revealed that there were only three or four more than a quorum present, and I think it is hardly fair at this hour of the night, when Senators knew there was a filibuster on, to attempt to go over the calendar. Some of the bills on the calendar are very important, and it seems to me it would be much better if the Senator would make that request to begin to-morrow at 12 o'clock.

Mr. McNARY. Let me state to the Senator from Washington, who is always anxious to expedite business, that yesterday I proposed a similar agreement twice, and it met with objection, but each time I suggested that I would do what I am now proposing. There was no objection whatsoever. It was known by everyone in the Senate, and there is no one here to-night but who had full knowledge that this proposition was coming up. I am sure the Senator will recognize that we have set aside a time to-morrow for eulogies on the life and character of the late Senator Overman. The next day two conference reports are to be brought in, as well as the bonus measure, and this is probably the last time during the week we will have an opportunity to go over unobjected bills on the calendar.

Mr. DILL. We would have until 2 o'clock to-morrow to consider the calendar.

Mr. McNARY. The Senator from Washington wants to bring in a conference report; the Senator from Oregon has a conference report on the agricultural appropriation bill which he desires to bring in. Then, at 2 o'clock, under the unanimous-consent agreement, we will proceed with eulogies. The next day will come the bonus bill. Every Senator has been notified of the proposition, and I think we should go ahead to-night. I hope the Senator, with his usual fairness, will permit the request to be acted on favorably.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, I do not like to be put in the position of objecting, but the Senator from Oregon knows that there is a motion pending to reconsider Senate bill 202, relating to the deportation of alien seamen, which was passed nearly a year ago. I have sought repeatedly an opportunity to have that motion disposed of. I have, upon a number of occasions, at the request of Senators on the other side of the Chamber, refrained from taking the floor in the face of appropriation bills, doing all I could to expe-

dite the passage of appropriation bills in order to avoid an extra session.

I wanted to cooperate with all who desired to accomplish that object; but I do wish to say to my friends upon the other side of the aisle that it does seem to me in the interest of fairness I ought to be afforded an opportunity for the consideration of that motion to reconsider. It has been pending for nearly a year. I do not wish to criticize or charge anyone with unfairness in delay or any desire to delay, but I must insist now or in the near future that the matter be disposed of or I shall be compelled to object to important and imperative legislation. I shall not consent to the adjournment of this session of Congress without having the matter disposed of.

Mr. McNARY. Mr. President, I entertain great sympathy for the position occupied by the Senator from Utah. He is entitled to consideration. The matter of going through the calendar to-night in no wise will interfere with his proposal. There is only one further supply bill, the Navy Department appropriation bill, to come before the Senate, so we should have ample time within the next two weeks to consider his motion.

Mr. KING. I not only want to get it through this body, but there is a body at the other end of the Capitol to which the bill must go, and in order that it may have any efficacy it must pass that body. I feel constrained to resort to all honorable means to bring the bill to the attention of the Senate and have it disposed of.

I do not wish to object to the unanimous-consent request because I know what the Senator desires to accomplish, but I give notice that to-morrow, and each succeeding day if I do not get consent to-morrow, I shall seek to have the motion taken up and disposed of.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oregon?

Mr. KING. Mr. President, will not the Senator limit it to 10 o'clock to-night? Some of us would like to look over the proposed bonus legislation and have not yet had a chance to do so.

Mr. McNARY. We will go through the calendar very quickly.

Mr. KING. I should be glad if the Senator could limit it to 10.30.

Mr. McNARY. Very well.

The PRESIDING OFFICER. The Chair understands the Senator from Oregon to modify his request by striking out "11" and inserting "10.30." Is there objection to the modified request?

Mr. BINGHAM. May the unanimous-consent request be read?

The PRESIDING OFFICER. The suggestion has been made that the unanimous-consent request be read. The clerk will read, as requested.

The Chief Clerk read as follows:

Ordered, by unanimous consent, that immediately following the disposition of the District of Columbia appropriation bill the Senate proceed to the consideration of unobjected bills on the calendar, beginning with No. 1620, subject to the limitations of debate provided in Rule VIII, and continuing their consideration until the calendar is completed or until not later than 10.30 o'clock p. m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will report the first bill on the calendar.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMITH. When we shall have finished the call of the calendar, beginning at No. 1620, is it proposed that we then start at the beginning of the calendar if there is still time or if we finish before 10.30 o'clock?

The PRESIDING OFFICER. The Chair would so construe the unanimous-consent agreement. If the call of the calendar, commencing with No. 1620, is completed before 10.30 o'clock p. m., the present occupant of the chair would hold that it would then be in order to return to the begin-

ning of the calendar and consider bills under the agreement up to No. 1620.

STOCK-RAISING HOMESTEADS

The bill (H. R. 3820) to amend section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, was considered.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, line 5, to strike out "other than naval petroleum reserves," and in line 11, after the word "same," to insert the following proviso:

And provided further, That the provisions of this act shall not apply to naval petroleum reserves and naval oil shale reserves.

So as to make the bill read:

Be it enacted, etc., That section 1 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, is hereby amended to read as follows:

"That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated, unreserved public lands in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as 'stock-raising lands': *Provided further*, That for the purposes of this act lands withdrawn or reserved solely as valuable for oil or gas shall not be deemed to be appropriated or reserved unless such lands shall be within the limits of the geologic structure of a producing oil or gas field, and any patent therefor shall contain a reservation to the United States of all minerals in said lands, and the right to prospect for, mine, and remove the same: *And provided further*, That the provisions of this act shall not apply to naval petroleum reserves and naval oil-shale reserves."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CLAIMS OF PILLAGER BANDS OF CHIPPEWA INDIANS, MINNESOTA

Mr. FRAZIER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 3, and agree to the same.

LYNN J. FRAZIER,

THOS. D. SCHALL,

HENRY F. ASHURST,

Managers on the part of the Senate.

SCOTT LEAVITT,

W. H. SPROUL,

JOHN M. EVANS,

Managers on the part of the House.

The report was agreed to.

PATENT FOR LANDS TO J. R. MURPHY

The bill (H. R. 11820) to authorize issuance of a patent for certain lands to J. R. Murphy was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, in his discretion, to issue a patent to J. R. Murphy, of Nashua, Mont., for the south half of southeast quarter, and southeast quarter of the southwest quarter of section 33, township 28 north, range 43 east, principal meridian, Montana, containing 120 acres, which land is embraced in the reinstated homestead entry, Great Falls, 054658, the oil and gas in the land to be reserved in accordance with the provisions, conditions, and limitations of the act of March 3, 1927 (44 Stat. 1401).

JOHN A. PEARCE

The bill (S. 5219) for the relief of John A. Pierce was considered. The bill had been reported from the Committee on

Claims with amendments, in line 5, to strike out "\$15,000" and insert "\$1,500," and in line 6, to strike out "Pierce" and insert "Pearce," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,500 to John A. Pearce in full payment for injuries sustained by him on July 19, 1918, when he was shot by a sentry at the Aberdeen Proving Ground in the State of Maryland.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John A. Pearce."

LILLIAN N. LAKIN

The bill (H. R. 5926) for the relief of Lillian N. Lakin was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of the act of May 22, 1928 (45 Stat. 710), to settle, adjust, and certify the claim of Lillian N. Lakin as a person standing in loco parentis to the late Pvt. Raymond N. Lakin, United States Marine Corps, for the sums of \$126 as six months' death gratuity and \$40.65 as arrears of pay.

GRAND VALLEY RECLAMATION PROJECT, COLORADO

The bill (S. 5981) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, was announced as next in order.

Mr. PHIPPS. Mr. President, the House has passed a similar bill (H. R. 16215) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado. I ask that the House bill be substituted for the Senate bill and placed upon its passage.

A similar bill passed the Senate in a previous Congress. It also passed the House. There was a slight difference between the two bodies as to the period of years, as I recall it, during which the project was to have the right to have power developed.

Mr. BRATTON. On what river?

Mr. PHIPPS. It is the Grand Valley project in Colorado on the Colorado River. The project has been in operation for several years. This is merely an adjunct which will enable settlers to pay off their obligations on the project. There is a slight difference in the House bill which merely specifies and stipulates that money of the Federal Government shall be used in the construction of the project.

There being no objection, the bill (H. R. 16215) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That whenever a development of power is necessary for the irrigation of lands under the Grand Valley reclamation project, Colorado, or an opportunity is afforded for the development of power under said project, such development of power to be without expenditure of money from the reclamation fund or from the Treasury of the United States, the Grand Valley Water Users' Association, with the approval of the Secretary of the Interior, is authorized to enter into a contract or contracts for a period of not exceeding 25 years for the sale or development of any surplus power or power privileges in said Grand Valley reclamation project, Colorado.

The PRESIDING OFFICER. The bill (S. 5981) authorizing the sale of surplus power developed under the Grand Valley reclamation project, Colorado, will be indefinitely postponed.

BILL PASSED OVER

The bill (H. R. 9599) to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I am not familiar with the bill. I have received several communications from my State in opposition to it. I did not know we would reach it and did

not know, in fact, that it was on the calendar. I do not like to object to its present consideration, but I am compelled to ask that it go over without prejudice. I shall be very glad to examine the communications and bring them to the attention of the chairman of the committee.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

JOHN A. ARNOLD

The bill (H. R. 10542) for the relief of John A. Arnold was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John A. Arnold the sum of \$542 in full settlement of all claims and to reimburse him for the value of land and improvements made by him upon Government lands as homestead entryman, which land and improvements he was forced to relinquish due to error of the Government in issuing to him homestead entry certificate to lands already entered and to which it had no title, said lands being the southwest quarter section 25, township 34 north, range 11 west, Pulaski County, Mo.

GEORGE C. MANSFIELD CO. AND GEORGE D. MANSFIELD

The bill (S. 5475) for the relief of the George C. Mansfield Co. and George D. Mansfield was considered. The bill had been reported from the Committee on Claims with amendments, on page 2, line 4, to strike out the word "damages" and insert the words "actual loss," and in line 6, after the word "Mansfield," to insert the words "without interest," so as to make the bill read:

Be it enacted, etc., That the George C. Mansfield Co. and George D. Mansfield, of Milwaukee, Wis., are hereby authorized to bring suit against the United States to recover damages for any loss or losses which they may have suffered because of the action of the Federal Food Administration, division of enforcement, in directing and compelling said George C. Mansfield Co. and said George D. Mansfield to sell certain cheese products. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action on its merits, and to enter decree or judgment against the United States for the amount of such actual loss as may be found due to said George C. Mansfield Co. and said George D. Mansfield, without interest, with the same right of appeal as in other cases, notwithstanding the lapse of time or statute of limitations or the tortious character of the action: *Provided*, That such action shall be brought within six months from the date that this act becomes effective.

Sec. 2. That upon final determination of such cause, if a decree or judgment is rendered against the United States, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to said George C. Mansfield Co. and said George D. Mansfield or their duly authorized attorneys of record by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final decree or judgment.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. HERMAN M. WARR

The bill (S. 5353) for the relief of Mrs. Herman M. Warr was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 10, after the numerals "1916," to insert "and the pay of the said Herman M. Warr at the time of his death shall be deemed to have been at the rate of \$150 per month," so as to make the bill read:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Mrs. Herman M. Warr, widow of Herman M. Warr, a former employee of the Bureau of Prohibition, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, and the pay of the said Herman M. Warr at the time of his death shall be deemed to have been at the rate of \$150 per month.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. H. PRICE

The Senate proceeded to consider the bill (S. 6072) for the relief of C. H. Price, which was read, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties,

and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of C. H. Price, who suffered injuries to his eyes while he was serving as foreman in the drainage work for the Public Health Service in Lauderdale County, Ala., in 1918 and 1919 and is now practically blind.

Mr. KING. Mr. President, I should like to ask the Senator from Alabama [Mr. BLACK], who reported the bill, to explain it.

Mr. BLACK. Mr. President, I am asked to make an explanation of the bill by the Senator from Utah, he reserving the right to object.

Mr. Price, the beneficiary of the bill, was in the employ of the Government. He received an injury to his eye which never until recently has given him very much trouble. He was able to take care of himself. Although urged by many people some time ago to file a claim for compensation, he declined to do so, and stated that so long as he was able to take care of himself he would not do it. This bill simply proposes to waive the statute of limitations, and does not accord Mr. Price any right unless he shall be found by the board to be entitled to recover compensation as an employee. The entire effect of the bill, if passed, would be to waive the statute of limitations.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROBINS DRY DOCK & REPAIR CO.

The bill (H. R. 10635) for the relief of the Robins Dry Dock & Repair Co. was announced as next in order.

Mr. BRATTON. Mr. President, may we have an explanation of the facts justifying the proposed legislation? [A pause.] Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CHANGE OF NAME OF B STREET NW.

The joint resolution (H. J. Res. 404) to change the name of B Street NW., in the District of Columbia, was announced as next in order.

Mr. BROUSSARD. I offered an amendment to this joint resolution this morning, but I inquired for it at the desk and find that it has been sent to the printer. I have no copy of the amendment here. I have sent to my office for a copy of it, and I shall have it in a few moments. I ask that the bill go over temporarily until I can get a copy of the amendment.

The PRESIDING OFFICER. Without objection, the bill will be temporarily passed over. The Chair hears none.

Mr. BROUSSARD subsequently said: Mr. President, I ask that the Senate return to Order of Business 1632; House Joint Resolution 404. I now have the amendment which I offered to-day, and I ask to have it read from the desk.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent to recur to the joint resolution which was passed over at his request, being Order of Business 1632, House Joint Resolution 404. The Chair hears no objection.

The Senate proceeded to consider the joint resolution, which was read.

The PRESIDING OFFICER. The amendment offered by the Senator from Louisiana will be stated.

The amendment was to add to the joint resolution:

That in honor of the State of Louisiana and that territory comprised in the "Louisiana Purchase" from which 13 other sovereign States of this Union, in whole or in part, were carved, the thoroughfare running from the Union Station Plaza, crossing North Capitol Street and New Jersey and Indiana Avenues and running into Pennsylvania Avenue shall hereafter bear the name "Louisiana Avenue."

That the portion of the avenue now known as "Louisiana Avenue," not absorbed by the enlarging of the park and plan system of the Planning Commission, shall no longer be known as "Louisiana Avenue."

So as to make the joint resolution read:

Whereas one of the important results of the completion of the work, now in progress, of carrying out the plans of the National Government for public improvements in the District of Columbia, will be a widened B Street NW., approximately 2 miles long, from the Capitol Grounds to Arlington Memorial Bridge; and

Whereas this street, bordered by stately public buildings and by the beautiful Mall and Parkway, within which are the Nation's monument to George Washington and memorial to Abraham

Lincoln, will be one of the most impressive thoroughfares in the world; and

Whereas a street thus connecting the Capitol with the Memorial Bridge leading over the Potomac River to Arlington National Cemetery, formerly the home estate of Robert E. Lee, and to the Washington Memorial Highway, which ends at Mount Vernon—a street so rich in historical association and destined during the centuries to behold countless processions of American patriots and millions of liberty-loving men, women, and children, wending their way to Arlington and the Tomb of the Unknown Soldier—should have a name in keeping with its character, a name of dignity and beauty and profound significance; and

Whereas the Constitution of the United States of America, "the most wonderful work ever struck off at a given time by the brain and the purpose of man," is the mighty instrument which made the land of Washington and Lincoln and Lee "an indissoluble Union of indestructible States" from the Great Lakes to the Gulf of Mexico, from the Atlantic Ocean to the golden shores of the Pacific, the grandest home that freedom ever knew, under the freest government the world has ever seen: Therefore be it

Resolved, etc., That in honor of the Constitution of the United States of America, the thoroughfare now known as B Street northwest, in the District of Columbia, and as it may at any time be extended, widened, or otherwise changed, shall hereafter bear the name "Constitution Avenue."

That in honor of the State of Louisiana and that territory comprised in the Louisiana Purchase, from which 13 other sovereign States of this Union, in whole or in part, were carved, the thoroughfare running from the Union Station Plaza, crossing North Capitol Street and New Jersey and Indiana Avenues and running into Pennsylvania Avenue, shall hereafter bear the name "Louisiana Avenue."

That the portion of the avenue now known as Louisiana Avenue, not absorbed by the enlarging of the park and plan system of the Planning Commission, shall no longer be known as "Louisiana Avenue."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read: "Joint resolution to change the name of B Street NW., in the District of Columbia, and for other purposes."

AMENDMENT OF THE DISTRICT OF COLUMBIA TRAFFIC ACT

The Senate proceeded to consider the bill (H. R. 14922) to amend the acts of Congress approved March 3, 1925, and June 3, 1926, known as the District of Columbia traffic acts, and for other purposes.

The PRESIDING OFFICER. The Chair is informed that this bill was considered on February 10 and the amendments down to the one commencing on line 9, page 10, were agreed to. The next amendment will be stated.

The next amendment was, on page 10, commencing with line 9, to strike out all down to and including line 12, on page 11, and in lieu thereof to insert the following:

SEC. 10. (a) Any person operating a motor vehicle who shall injure any person therewith, or who shall do substantial damage to property therewith and fail to stop and give assistance, together with his name, place of residence, including street and number, and the name and address of the owner of the motor vehicle so operated, to the person so injured, or to the owner of such property so damaged, or to the operator of such other motor vehicle, or to any bystander who shall request such information on behalf of the injured person, or, if such owner or operator is not present, then he shall report the information above required to a police station or to any police officer within the District immediately. In all cases of accidents resulting in injury to any person the operator of the motor vehicle causing such injury shall also report the same to any police station or police officer within the District immediately.

Any operator whose motor vehicle causes personal injury to an individual and who fails to conform to the above requirements shall, upon conviction of the first offense, be fined not more than \$500, or shall be imprisoned not more than six months, or both; and upon the conviction of his second or subsequent offense, shall be fined not more than \$1,000, or shall be imprisoned not more than one year, or both.

Any operator whose motor vehicle causes substantial damage to any other vehicle or property and fails to conform to the above requirements shall, upon conviction of the first offense, be fined not more than \$100, or be imprisoned not more than 30 days, or both; and for the second or any subsequent offense, be fined not more than \$300 or be imprisoned not more than 90 days, or both.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The PRESIDING OFFICER. Without objection, the similar Senate bill, being S. 5249, will be indefinitely postponed. The Chair hears no objection.

LANDS ADJACENT TO CASCADE NATIONAL FOREST IN OREGON

The bill (S. 5854) to extend the provisions of the forestry exchange law to certain lands adjacent to the Cascade National Forest in Oregon was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of the act of March 20, 1922 (42 Stat. 465; U. S. C., title 16, sec. 485), be, and the same are hereby, extended to lands in the State of Oregon within townships 16 and 17 south, range 4 east, Willamette meridian. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the national forest nearest to which such lands are situated.

PROPOSED AMENDMENT OF RADIO ACT OF 1927

The bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, was announced as next in order.

Mr. DILL. Mr. President, this bill, while it is rather long, contains nothing controversial, so far as I remember. It comprises a series of perfecting amendments to the radio law and embodies one or two resolutions that have passed the Senate and are now on the calendar of the other House. I had hoped that we might be able to pass the bill, but the Senator from Illinois [Mr. GLENN] has an amendment he wishes to offer. I think he is around the Capitol, and I should like to have the bill go over temporarily. When he shall return I shall ask that the bill be then taken up.

The PRESIDING OFFICER. Without objection, the bill will be passed over temporarily.

PAN AMERICAN COMMERCIAL CONFERENCE

The bill (S. 6120) authorizing an appropriation of the sum of \$15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931, was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that with respect to Order of Business No. 1636 an identical House bill (H. R. 16159) is on the calendar. Without objection, the House bill will be substituted for the Senate bill. The Chair hears no objection.

The bill (H. R. 16159) authorizing an appropriation of the sum of \$15,000 to defray the expenses of the Pan American Commercial Conference, to be held in Washington, D. C., in 1931, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 to enable the Pan American Union to meet the expenses of the Pan American Commercial Conference to be held in Washington, D. C., in 1931; this money to be paid by order of the Secretary of State to the Pan American Union, and to be expended in the same manner and under the same conditions as the appropriation of the United States of the quota for the support of the Pan American Union.

The PRESIDING OFFICER. If there is no objection, Senate bill 6120 will be indefinitely postponed.

INTERNATIONAL EXPOSITION OF COLONIAL AND OVERSEAS COUNTRIES

The joint resolution (H. J. Res. 416) to increase the amount authorized to be appropriated for the expenses of participation by the United States in the International Exposition of Colonial and Overseas Countries to be held at Paris, France, in 1931, was announced as next in order.

Mr. KING. Mr. President, the Senator from New York [Mr. COPELAND] has left a memorandum with Mr. Biddle, which has just been brought to me. The Senator from New York asks that Order of Business 1637, the title of which has just been stated, and Order of Business 1640, may go over.

The PRESIDING OFFICER. House Joint Resolution 416 will be passed over.

Mr. LA FOLLETTE. Mr. President, does the Senator from Utah ask that Order of Business 1637 go over?

Mr. KING. The Senator from New York [Mr. COPELAND], who is necessarily absent, left word that he should like to have Order of Business 1637 and Order of Business 1640 go over. I do not know what the bills are, and I am doing this at the request of the Senator from New York.

Mr. LA FOLLETTE. Of course, under those circumstances I could not very well hope to persuade the Senator from New York, who is absent, to withhold his objection.

Mr. KING. No; the Senator appreciates the dilemma in which I am placed.

REGULATION OF LEVEL OF LAKE OF THE WOODS

The bill (H. R. 9326) to amend the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, as amended, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to carry into effect provisions of the convention between the United States and Great Britain to regulate the level of Lake of the Woods concluded on the 24th day of February, 1925," approved May 22, 1926, as amended, is amended by adding at the end thereof a new sentence to read as follows: "The time in which to appeal from the awards of the commissioners under the condemnation proceedings heretofore provided for is extended 60 days from the date of the enactment of this amendatory act."

ATTORNEYS FOR MENOMINEE TRIBE OF INDIANS

The Senate proceeded to consider the bill (H. R. 8812) authorizing the Menominee Tribe of Indians to employ general attorneys, which had been reported from the Committee on Indian Affairs with an amendment.

Mr. KING. Mr. President, I should like to ask the chairman of the committee a question as to the bill.

Mr. LA FOLLETTE. Mr. President, I am prepared to explain the bill if the Senator desires an explanation. It is a bill which the business council of the Menominee Tribe have been pressing for two years. They are very anxious to employ their own attorneys to handle a number of matters which they have in contemplation. In the first place, they wish to have a survey made to ascertain whether or not it would be worth while for them to attempt to secure the right to bring suit in the Court of Claims for the clean cutting which was done on that reservation and which the tribe claims was done in violation of the law. With that matter I think the Senator from Utah is familiar. There certainly is no question but what the department did violate the express terms of the law in making a clean cut of much valuable timber there, whereas the law required a selective cutting.

The tribe also have been considering for some time various proposals for incorporation, and they would like to have the advice of their own attorneys concerning that.

Mr. KING. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. KING. Does the Senator think that the fees are reasonable? I confess that I am rather solicitous for the welfare of the Indians.

Mr. LA FOLLETTE. It is provided in this bill that the attorneys shall receive only \$6,000 per annum, and I think, if any considerable number of the various matters which they have under consideration are to be pressed in any one year, they certainly would be getting a great deal of legal service for \$6,000. Therefore, I think under all the circumstances the bill should be passed.

Mr. KING. I have no objection to the bill.

The PRESIDING OFFICER. The clerk will state the amendment reported by the committee.

The amendment reported by the committee was, on page 2, line 8, after the word "tribe," to strike out "Provided further, That Louis R. Glavis shall not be employed as attorney," so as to make the bill read:

Be it enacted, etc., That the Menominee Tribe of Indians in Wisconsin, through its duly recognized tribal council or business committee, is hereby authorized to enter into contract, subject to approval by the Commissioner of Indian Affairs and the Secretary of the Interior, with an attorney, or firm of attorneys, for the purpose of defending any suits that may be brought against said

tribe and formulating any claims that the Indians might have against the Government of the United States. The attorney or firm of attorneys so employed shall be allowed not to exceed \$6,000 per annum for compensation and all expenses, and the term of the contract shall not exceed two years: *Provided*, That, in the discretion of the Secretary of the Interior, an additional amount, not exceeding \$8,000, may be allowed said attorney or firm of attorneys for actual and necessary expenses in the prosecution of their services for said tribe.

For the purpose of carrying out the provisions of this act the Secretary of the Interior is hereby authorized to expend the sum of not exceeding \$20,000, or so much thereof as may be necessary, out of the tribal funds on deposit to the credit of the Menominee Indians.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WAGES AND ALLOTMENTS OF SEAMEN ON FOREIGN VESSELS

The bill (S. 314) relating to the payment of advance wages and allotments in respect of seamen on foreign vessels, and making further provision for carrying out the purposes of the seamen's act, approved March 4, 1915, was announced as next in order.

Mr. KING. Mr. President, as I said a moment ago, while I have not read the bill recently I am in favor of it, but the Senator from New York asked me to request that it go over.

Mr. LA FOLLETTE. Mr. President, of course, in view of the fact that the Senator from Utah interposes an objection for an absent Senator, it would be useless for me to explain the terms of this bill. However, may I say, Mr. President, that this bill has once passed the Senate substantially in the same form as it now appears on the calendar, and it is decidedly in the interest of ships flying the American flag. However, in view of the circumstances, I shall not take further time of the Senate to explain the measure.

Mr. KING. I want the Senator to understand that I am in favor of the bill, but I feel constrained to urge the objection on account of the request of the Senator from New York.

The PRESIDING OFFICER. On objection, the bill will be passed over.

SURVEY OF MOUSE RIVER, N. DAK.

The bill (H. R. 10017) to provide for a survey of the Mouse River, N. Dak., with a view to the prevention and control of its floods, was considered, ordered to a third reading, read the third time, and passed.

CLAIMS OF EASTERN EMMIGRANT AND WESTERN CHEROKEE INDIANS

The bill (S. 5979) to confer jurisdiction on the Court of Claims to hear and determine certain claims of the Eastern Emmigrant and Western Cherokee Indians of Oklahoma and North Carolina was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Eastern Emmigrant and Western Cherokee Indians, duly enrolled members of the Cherokee Nation of Indians, members of the Five Civilized Tribes of Oklahoma, including the duly enrolled members of the Eastern Band of the North Carolina Cherokee Indians, that jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitations, to hear, examine, and adjudicate and render judgment in any and all legal and equitable claims arising under or growing out of any treaty or agreement between the United States and the Cherokee Indians, band or tribe, or arising under or growing out of any act of Congress in relation to Indian affairs, which said Cherokee Indians, band or tribe, may have against the United States.

SEC. 2. That the Eastern Emmigrant and the Western Cherokee Indians as a corporation shall file any suit or suits or claims on behalf of all the Cherokee Indians by blood, which claims have not heretofore been determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

SEC. 3. Any and all claims against the United States within the purview of this act shall be forever barred unless suit or suits be instituted or petition, subject to amendment, be filed as herein provided in the Court of Claims within five years from the date of approval of this act, and such suit or suits shall make the said Indian tribes or bands or any of said tribes or bands, party or parties, plaintiff, and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said Indians approved in accordance with existing laws and said con-

tract shall be executed in their behalf by a committee or committees selected by said Indians or provided by existing law. Official letters, papers, documents and records, maps, or certified copies thereof may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indians to such treaties, papers, maps, correspondence, or reports as they may require in the prosecution of any suit or suits instituted under this act.

SEC. 4. In said suit or suits the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against the said Indian tribes or any of them, but any payment or payments which have been made by the United States upon any such claim or claims shall not operate as an estoppel but may be pleaded as an offset in such suit or suits, as may gratuities, if any, paid to or expended for such Indian tribes or any of them.

SEC. 5. Any other tribes or bands of Indians the court may deem necessary to a final determination of any suit or suits brought hereunder may be joined therein as the court may order: *Provided*, That upon final determination of such suit or suits the Court of Claims shall have jurisdiction to fix and determine a reasonable fee, not to exceed 10 per cent of the recovery, by any one of said tribes, or bands, together with all necessary and proper expenses incurred in the preparation and prosecution of such suit or suits to be paid to the attorney or attorneys employed as herein provided by the said tribes, or bands, of Indians, or any of said tribes, or bands, and the same shall be included in the decree, and shall be paid out of any sum or sums adjudged to be due said tribes, or any of them, and the balance of such sum or sums shall be placed in the Treasury of the United States, where it shall draw interest at the rate of 4 per cent per annum.

SURVEY OF SCAPPOOSE BAY, OREG.

The bill (S. 6005) authorizing a preliminary examination and survey of Scappoose Bay, Columbia River, Oreg., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause a preliminary examination and survey to be made of Scappoose Bay, an inlet of Multnomah Channel, Columbia River, Oreg., with a view to deepening and widening the channel in such bay as follows: (1) To a depth of not less than 16 feet and a width of not less than 150 feet for the first 2,000 feet from Multnomah Channel, (2) to a depth of not less than 12 feet and a width of not less than 150 feet for the next 2,000 feet, and (3) to a depth of not less than 10 feet and a width of not less than 150 feet for the next 2,500 feet. The Secretary of War shall submit a report thereon to the Congress as soon as practicable. The cost of such examination and survey shall be paid from appropriations heretofore or hereafter made for examinations and surveys.

JAMES M. GRIFFIN

The bill (S. 6113) for the relief of James M. Griffin, disbursing agent, United States Coast and Geodetic Survey, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of James M. Griffin, disbursing agent, United States Coast and Geodetic Survey, in the amount of \$285, which sum represents the aggregate of payments made during the fiscal year 1930 by said disbursing officer on account of travel performed by civilian officers and employees of the Coast and Geodetic Survey, and which sum has been disallowed by the Comptroller General as follows: On voucher No. 96675 to Deck Officer John C. Ellerbe, jr., \$7.65; on voucher No. 96713 to Deck Officer J. S. Morton, \$7.35; on voucher No. 96771 to Mate F. E. Okeson, \$14.37; on voucher No. 96818 to Deck Officer I. R. Rubottom, \$4.10; on voucher No. 96412 to Deck Officer J. C. Tison, \$4.20; on voucher No. 96626 to Deck Officer J. C. Tribble, \$7.45; on voucher No. 96649 to Deck Officer K. S. Ulm, \$14.40; on voucher No. 95340 to Deck Officer K. S. Ulm, \$4.65; on voucher No. 96241 to Deck Officer H. C. Walker, \$6.55; on voucher No. 97132 to Deck Officer E. B. Brown, \$4.65; on voucher No. 97150 to Chief Engineer H. Ely, \$42.35; on voucher No. 97151 to Chief Engineer H. Ely, \$12.30; on voucher No. 98186 to Deck Officer E. L. Jones, \$2.64; on voucher No. 97492 to Deck Officer R. A. Marshall, \$3.25; on voucher No. 97019 to Deck Officer J. S. Morton, \$4.80; on voucher No. 97642 to Associate Geodetic Engineer W. Mussetter, \$9.75; on voucher No. 97175 to Deck Officer F. Natella, \$11.55; on voucher No. 98184 to Deck Officer C. R. Reed, \$2; on voucher No. 97020 to Deck Officer M. G. Ricketts, \$3; on voucher No. 98183 to Deck Officer W. C. Russell, \$2.10; on voucher No. 98313, subvoucher No. 250, to C. Sylar, hand, \$33.54; on voucher No. 96939 to Deck Officer J. C. Tribble, \$5.35; on voucher No. 99316, subvoucher No. 16, to Deck Officer M. A. Hecht, \$10.42; on voucher No. 99684 to Assistant Marine Engineer W. R. McLaughlin, \$4; on voucher No. 98585 to Junior Engineer E. R. Martin, \$3.70; on voucher No. 99157 to Deck Officer J. S. Morton, \$14.41; on voucher No. 99933 to Associate Geodetic Engineer W. Mussetter, \$8.25; on voucher No. 98776, subvoucher No. 240, to Seaman W. R. Norton, \$10.20; on voucher No. 99414, to Mate F. E. Okeson, \$9.86; and on voucher No. 99261 to Deck Officer F. Natella, \$16.16: *Provided*, That

the civilian officers and employees named herein shall not be required to make any refunds to the Government on account of payments made to carriers for travel furnished by the Government on transportation requests in connection with the vouchers listed herein as follows: Deck Officer John C. Ellerbe, jr., transportation requests Nos. C-71170, 71211, 71219, 71220, in the total amount of \$138.82; Mate F. E. Okeson, transportation requests Nos. C-71233, 71234, in the total amount of \$49.42; Deck Officer I. R. Rubottom, transportation requests Nos. C-71017, 71018, 71055, 71057, 71058, 71059, 71060, in the total amount of \$175.93; Deck Officer J. C. Tison, transportation request No. C-71214 in the amount of \$11.85; Deck Officer K. S. Ulm, transportation requests Nos. C-71212, 71213, 71216, 71217, in the total amount of \$168.11; Deck Officer K. S. Ulm, transportation request No. C-70768 in the amount of \$6.05; Deck Officer H. C. Walker, transportation request No. C-71215 in the amount of \$6.05; Deck Officer E. B. Brown, transportation requests Nos. C-70720, 71226, in the total amount of \$11.89; Chief Engineer H. Ely, transportation requests Nos. C-70638, 70639, 70686, in the total amount of \$509.49; Deck Officer R. A. Marshall, transportation request No. C-71133, in the amount of \$6.05; Deck Officer J. S. Morton, transportation requests Nos. C-70990, 71199, 71226, 71231, in the total amount of \$52.01; Associate Geodetic Engineer W. Mussetter, transportation requests Nos. C-70724, 70725, 70726, in the total amount of \$41.43; Deck Officer F. Natella, transportation requests Nos. C-71230, 71271, in the total amount of \$56.73; Deck Officer C. R. Reed, transportation request No. C-71369, in the amount of \$6.05; Deck Officer M. G. Ricketts, transportation request No. C-70929, in the amount of \$6.05; Deck Officer W. C. Russell, transportation request No. C-71369, in the amount of \$6.05; Deck Officer J. C. Tribble, transportation requests Nos. C-70927, 70928, in the total amount of \$15.75; Deck Officer M. A. Hecht, transportation request No. C-71275, in the amount of \$28.41; Assistant Marine Engineer W. R. McLaughlin, transportation requests Nos. C-70865, 70866, in the total amount of \$43.49; Junior Engineer E. R. Martin, transportation requests Nos. C-70828, 70829, in the total amount of \$37.04; Deck Officer J. S. Morton, transportation requests Nos. C-71332, 71333, in the total amount of \$100.84; Associate Geodetic Engineer W. Mussetter, transportation requests Nos. C-71421, 71422, in the total amount of \$41.63; Mate F. E. Okeson, transportation requests Nos. C-71431, 71432, in the total amount of \$17.67; and Deck Officer F. Natella, transportation requests Nos. C-71434, 71435, 71436, in the total amount of \$57.21.

PRELIMINARY EXAMINATION OF HOCKING RIVER, OHIO

The Senate proceeded to consider the bill (H. R. 8736) to authorize and direct a preliminary examination of the Hocking River for the distance it flows through Athens County, Ohio.

Mr. JONES. I ask that the bill may be read.

The PRESIDING OFFICER. The clerk will read the bill. The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Hocking River for the distance that it flows through Athens County, Ohio, with a view to control the floods from said river in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, the cost thereof not exceeding \$1,500 to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

CONSTRUCTION OF VESSELS FOR COAST GUARD

The bill (H. R. 12284) to provide for the construction of vessels for the Coast Guard for rescue and assistance work on Lake Erie was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to construct and equip one Coast Guard cutter, to be of design and construction suitable for service in assisting shipping on the waters of Lake Erie and others of the Great Lakes: *Provided,* That the total cost of construction and of original equipment of said Coast Guard cutter shall not exceed the sum of \$650,000.

FORT APACHE INDIAN RESERVATION, ARIZ.

The bill (S. 5033) to authorize an appropriation of tribal funds to purchase certain privately owned lands within the Fort Apache Indian Reservation, Ariz., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated not to exceed the sum of \$1,300 of funds on deposit to the credit of the Indians of the Fort Apache Reservation, Ariz.,

for the purchase of land and appurtenances thereto, exclusive of mineral rights, located within the exterior boundaries of that reservation, and belonging to the Aztec Land & Cattle Co., title thereto to be taken in the name of the United States in trust for said Indians.

CAHUILLA INDIAN RESERVATION

The bill (S. 6011) to authorize the Secretary of the Interior to purchase certain land in California for addition to the Cahuilla Indian Reservation, and issuance of a patent to the band of Indians therefor, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase section 36, township 7 south, range 2 east, San Bernardino base and meridian, Calif., containing 640 acres, for addition to the Cahuilla Indian Reservation, and issue a trust patent therefor to the band of Indians in accordance with the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 1, 1907 (34 Stat. 1015-1022); and there is hereby authorized to be appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of \$2,560 to cover the purchase price of the land.

TEMECULA OR PECHANGA RESERVATION, CALIF.

The bill (H. R. 15064) to reserve 440 acres of public-domain land for addition to the Temecula or Pechanga Reservation, Calif., was considered, read the third time, and passed, as follows:

Be it enacted, etc., That 440 acres of land, described as the northwest quarter northeast quarter, east half northeast quarter, and south half section 36, township 8 south, range 2 west, San Bernardino meridian, Calif., be, and the same are hereby, withdrawn from the public domain and reserved as an addition to the Temecula or Pechanga Indian Reservation, a trust patent to be issued therefor to the band in accordance with and under authority contained in the act of January 12, 1891 (26 Stat. 712), as amended by the act of March 1, 1907 (34 Stat. 1015-1022): *Provided,* That the rights and claims of any bona fide settler initiated under the public-land laws prior to September 27, 1930, the date of withdrawal of the land from all form of entry, shall not be affected by this act.

CANCELLATION OF FEE SIMPLE PATENTS TO INDIANS

The bill (H. R. 15267) to amend an act entitled "An act to authorize the cancellation, under certain conditions, of patents in fee simple to Indians for allotments held in trust by the United States" was considered by the Senate, and was read, as follows:

Be it enacted, etc., That the act of February 26, 1927 (44 Stat. 1247), authorizing the Secretary of the Interior, under certain conditions, to cancel patents in fee for Indian allotments, be, and the same is hereby, amended by adding thereto the following:

"Sec. 2. Where patents in fee have been issued for Indian allotments, during the trust period, without application by or consent of the patentees, and such patentees or Indian heirs have sold a part of the land included in the patents, or have mortgaged the lands or any part thereof and such mortgages have been satisfied, such lands remaining undisposed of and without encumbrance by the patentees, or Indian heirs, may be given a trust patent status, and the Secretary of the Interior is, on application of the allottee or his or her Indian heirs, hereby authorized, in his discretion, to cancel patents in fee so far as they cover such unsold lands not encumbered by mortgage, and to cause new trust patents to be issued therefor, to the allottees or their Indian heirs, of the form and legal effect as provided by the act of February 8, 1887 (24 Stat. 388), and the amendments thereto, such patents to be effective from the date of the original trust patents, and the land shall be subject to any extensions of the trust made by Executive order on other allotments of members of the same tribe, and such lands shall have the same status as though such fee patents had never been issued: *Provided,* That this act shall not apply where any such lands have been sold for unpaid taxes assessed after the date of a mortgage or deed executed by the patentee or his heirs, or sold in execution of a judgment for debt incurred after date of such mortgage or deed, and the period of redemption has expired."

Mr. BRATTON. Mr. President, will the Senator from North Dakota explain this measure?

Mr. FRAZIER. Mr. President, some months ago a bill was passed authorizing the department to make some investigations of what are known as trust patents that had been issued to Indians, sometimes over their protest; and a good many complaints have come in. An investigation was made. On page 4 of the report a list is given of the questions that were sent out. These questions were answered, and investigations were made by the superintendents of the various reservations.

The department recommends the passage of this bill. Personally, I do not feel that the bill is as strong as it should be; but it is a step in the right direction, and I believe it should be passed.

Mr. BRATTON. What does it do?

Mr. FRAZIER. In cases where patents in fee have been issued to Indians over their protest, where they still have the land, the patent in fee is set aside, and a trust patent is given to the Indians under authority given to the Secretary of the Interior to take that action.

Mr. BRATTON. Do I understand that upon a review of the facts the Secretary of the Interior may set aside a restricted patent and issue an unrestricted one?

Mr. FRAZIER. That is the case, but only in places where these patents in fee have been issued, as I understand, over the protest of the Indians.

Mr. BRATTON. No land could be taken from an Indian under this bill?

Mr. FRAZIER. Oh, no! It is really for the benefit of the Indians.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was read the third time, and passed.

JOHN HERINK

The bill (S. 4391) for the relief of John Herink was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury, on certification by the Secretary of the Interior, is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Herink a sum found to be the fair and reasonable value of all improvements placed by him on lots 1 and 2 and the north half northeast quarter section 30, township 27 north, range 10 east, sixth principal meridian, Nebraska, prior to his eviction therefrom, for which land a patent erroneously issued to him on November 20, 1922, and to return to him the full amount of all money paid by him to the United States in connection with said lands prior to the issuance of such patent: *Provided*, That as a condition precedent to the certification above mentioned by the Secretary of the Interior to the Secretary of the Treasury the land so patented be reconveyed to the United States free from all claim or right held or claimed under or through the patentee, and the acceptance of such reconveyance shall operate as a restoration of the right of entry under the public land laws to the said Herink, no other objection appearing: *Provided further*, That he may have the option, in lieu of the payment to him of all money hereinbefore provided, of making entry of other land to the amount of 160 acres under the general homestead law, or 320 acres under the enlarged homestead law, or 640 acres under the stock-raising homestead law, anywhere in the United States where there are public lands subject to such entry, and receiving United States patent for such lands without payment to the United States of any fees, commissions, or other money and without further compliance with the homestead laws in connection therewith and the submission of proof thereof, the patent, however, to contain a reservation of mineral to the United States, if necessary, as in other entries under the same law.

CLAIM OF INDIANA STATE MILITIA

The joint resolution (S. J. Res. 119) authorizing the Comptroller General of the United States to consider, adjust, and settle the claim of the Indiana State Militia for military service on the Mexican border was considered by the Senate, and was read, as follows:

Resolved, That the Comptroller General of the United States is authorized and directed to consider, adjust, and settle the claim of the State of Indiana for mobilization expenses, subsistence, transportation, and supplies made to and for the use of the Indiana State Militia in the period of mobilization for Federal military service on the Mexican border under the call of the President of the United States of June 18, 1916, notwithstanding the disallowance of the claim by the Auditor, for the War Department on August 19, 1918, because there was no law authorizing the reimbursement of any State for any expenses incurred in mobilization of any militia under the call of the President, June 18, 1916.

Mr. VANDENBERG. Mr. President, may we have an explanation of this joint resolution, particularly with reference to the question of whether or not other States have similar allowances?

Mr. ROBINSON of Indiana. Mr. President, there is a complete report on this claim. It is Report No. 1594. The matter has been pending for some time, since 1916; and if

the Senator from Michigan will be good enough to glance at the report, he will see that the joint resolution is approved by the Comptroller General. It provides for the payment of \$20,584.75.

I think no other State has any claim similar to this. It is simply a claim for moneys paid out by the State of Indiana for which the Federal Government is liable, and for which the State of Indiana has never received any reimbursement.

Mr. VANDENBERG. If the Senator will permit me, can he tell me what the reference on page 3 of the report means, which indicates that this claim was disallowed by the auditor for the War Department?

Mr. ROBINSON of Indiana. The Senator is reading from the top of page 3, about Senate Joint Resolution No. 39, introduced by my colleague [Mr. WATSON] I think. Down below, if the Senator will refer to the letter to Hon. R. B. HOWELL, chairman of the Committee on Claims, signed by J. R. McCarl, Comptroller General of the United States, where the claim is itemized, I think he will be satisfied that the claim is just, and that there ought to be no objection to its allowance.

Mr. VANDENBERG. On the final page of the report I find it is indicated that the Comptroller General is a free agent ultimately to pass upon the claim anyway.

Mr. ROBINSON of Indiana. That is true.

Mr. VANDENBERG. I withdraw any objection.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

GRADING AND CLASSIFICATION OF FOREIGN SERVICE CLERKS

Mr. MOSES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of a conference report which I presented yesterday, and which was printed in the RECORD. It is found on page 5021. This is the conference report on the Foreign Service bill, which has twice passed the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent to proceed to the consideration of the conference report on the Foreign Service bill. Is there objection? The Chair hears none.

The Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9110) for the grading and classification of clerks in the Foreign Service of the United States of America, and providing compensation therefor, and for other purposes, which was read.

(For conference report see Senate proceedings of Monday, February 16, 1931, pp. 5021-5025 of the RECORD.)

Mr. MOSES. Mr. President, not only is the conference report printed in full in the RECORD, beginning on page 5143, but there is also a statement by the managers on the part of the Senate which covers the matters in disagreement and which affects the bill as it now relates to the existing law. I think Senators have had an opportunity to read the statement and will find it fully explanatory, and I hope the conference report may be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT OF AGRICULTURAL EXTENSION ACT

The bill (S. 5833) to amend an act entitled "An act to provide for the further development of agricultural extension work between the agricultural colleges in the several States receiving the benefits of the act entitled 'An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts,' approved July 2, 1862, and all acts supplementary thereto, and the United States Department of Agriculture," approved May 22, 1928 (U. S. C., Supp. III, title 7, secs. 343a, 343b), was announced as next in order.

Mr. JONES. Mr. President, I have not had an opportunity to examine that bill at any length. I am rather favorably impressed with it, but I desire to examine it a little bit

further before action is taken on it; so I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

ENLARGEMENT OF CAPITOL GROUNDS

The bill (S. 5989) to authorize the acquisition of additional land for enlarging the Capitol Grounds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That paragraph (1) of section 2 of the act entitled "An act to provide for the enlarging of the Capitol Grounds," approved March 4, 1929, as amended, is amended by adding after the first sentence thereof the following: "The Architect of the Capitol is authorized to acquire in like manner for such purposes all or any part of the lands, including buildings or other structures, in lot 801 of square 574 and lot 821 of square 630 as such squares appear on the records of the office of the surveyor of the District of Columbia as of the date of the approval of this amendatory act."

RADIO RESEARCH INVESTIGATIONS

The bill (H. R. 10652) to authorize the Secretary of Commerce to purchase land and to construct buildings and facilities suitable for radio research investigations was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to acquire, by purchase or otherwise, for the Bureau of Standards a parcel of land in the vicinity of the District of Columbia, not in excess of 200 acres, provided a suitable site now owned by the Government is not available for the purpose, and to construct thereon buildings, facilities, and equipment suitable for experimental researches in the propagation and reception of radio signals and also to construct upon land now owned by the Government in the vicinity of the District of Columbia, which may be made available for that purpose by any department having jurisdiction thereof, buildings, facilities, and equipment suitable for an experimental radio-transmitting station. There is hereby authorized to be appropriated to carry out the foregoing purposes the sum of not to exceed \$147,000.

ROSSLYN CONNECTING RAILROAD CO.

The Senate proceeded to consider the bill (S. 5756) authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge.

The PRESIDING OFFICER. The clerk calls the Chair's attention to the fact that an identical bill came over from the House to-day.

Mr. FESS. I ask unanimous consent that the House bill be substituted for the Senate bill, and that the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the identical House bill will be substituted for Senate bill 5756.

The Senate proceeded to consider the bill (H. R. 16248), authorizing the Secretary of War to exchange with the Rosslyn Connecting Railroad Co. lands on the Virginia shore of the Potomac River near the west end of the Arlington Memorial Bridge, which was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in order to enable the Arlington Memorial Bridge project to be carried out in a satisfactory manner and to remove any interference with the plans for said bridge or its approaches on the Virginia side of the Potomac River arising from the location of the tracks of the Rosslyn Connecting Railroad Co., the Secretary of War, with the consent of the Secretary of Agriculture and the Arlington Memorial Bridge Commission, is authorized to effect such an exchange of lands with the Rosslyn Connecting Railroad Co. as may be necessary or desirable for that purpose and will permit the relocation of the tracks of said railroad company in accord with the plans for said bridge and its approaches; and to that end the Secretary of War is authorized to convey to the Rosslyn Connecting Railroad Co. such lands of the United States on the west side of the Potomac River, including lands within the administrative control and jurisdiction of the Secretary of War, the Secretary of Agriculture, and the Arlington Memorial Bridge Commission, as may be agreed upon in said exchange in consideration of the conveyance to the United States by said railroad company of such lands of an approximately equivalent area as the Secretary of War shall deem necessary or desirable to carry out the purpose of this act and permit the removal of the tracks of the Rosslyn Connecting Railroad Co. to a location in accord with said Memorial Bridge project: *Provided,* That the title to the lands conveyed in exchange by the Rosslyn Connecting Railroad Co. shall be satisfactory to the Secretary of War.

The PRESIDING OFFICER. Without objection, Senate bill 5756 will be indefinitely postponed.

CONVEYANCE OF LANDS IN ALABAMA FOR VOCATIONAL OR OTHER EDUCATIONAL USES

The bill (H. R. 12094) to provide for conveyance of certain lands in the State of Alabama to vocational or other educational uses, or to dispose of the lands upon condition that they shall be used for such purposes was announced as next in order.

Mr. JONES. Let the bill be read, Mr. President.

The Chief Clerk proceeded to read the bill. During the reading—

Mr. JONES. I do not ask for any further reading, Mr. President.

The Senate proceeded to consider the bill, which was read the third time and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, upon payment of \$1.25 per acre, to transfer and convey to the State of Alabama, subject to valid existing rights, including rights heretofore granted to Henry T. Henderson and associates by act of Congress approved June 30, 1906, the following-described parcels of land: In township 8 south, range 9 east, Huntsville meridian, lots 1, 2, 3, and 4, section 1; lots 1, 2, and 3, section 2; lots 1 and 2, section 10; lots 1, 2, 3, 4, 5, and 6, section 11; lot 1, section 12; lots 1, 2, and 3, section 14; lots 1, 2, 3, and 4, section 15; lots 1, 2, 3, and 4, section 22; lots 1, 2, 3, and 4, section 23; lots 1 and 2, section 26; east half northeast quarter and lots 1, 2, 3, 4, and 5, section 27; lot 1, section 28; lots 1, 2, 3, and 4, section 33; and lots 1 and 2, section 34, containing 1,625.19 acres, more or less, the same to be held and made available permanently by said State, its transferees or lessees, for vocational or other educational purposes: *Provided,* That should the State of Alabama or its transferees or lessees fail to keep and hold the said land for vocational or other educational purposes, or devote it to any use inconsistent with such purposes, then at the option of the Secretary of the Interior, after due notice to said State and such proceedings as he shall determine, title to said lands shall revert to and be reinvested in the United States: *Provided,* That there shall be reserved to the United States all gas, oil, coal, or other mineral deposits found at any time in the said lands and the right to prospect for, mine, and remove the same: *Provided further,* That there is expressly reserved to the United States, its permittees or licensees, the right to enter upon, take, or use any or all of the said lands for power purposes in accordance with the terms and conditions of section 24 of the Federal water power act (41 Stat. 1063).

SEC. 2. The act entitled "An act to provide for conveyance of certain lands in the State of Alabama for State park and game preserve purposes," approved February 17, 1927, is hereby repealed.

GENERAL SURVEY OF INDIAN CONDITIONS

The Senate proceeded to consider the resolution (S. Res. 416) further continuing Senate Resolution No. 79, Seventieth Congress, authorizing a general survey of Indian conditions, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 7, to strike out "\$30,000" and insert "\$15,000," so as to make the resolution read:

Resolved, That Senate Resolution No. 79, Seventieth Congress, agreed to February 1, 1928, authorizing the Committee on Indian Affairs to make a general survey of Indian conditions, hereby is continued in full force and effect until the expiration of the Seventy-second Congress, and the limit of expenditures to be made under authority of such resolution is hereby increased by \$15,000.

The amendment was agreed to.

The resolution, as amended, was agreed to.

INVESTIGATION OF CAMPAIGN EXPENDITURES

The resolution (S. Res. 413) continuing in force until the end of the Seventy-second Congress Senate Resolution 316, agreed to February 26, 1929, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the resolution.

The PRESIDENT pro tempore. No report accompanies the resolution.

Mr. FESS. Mr. President, I reported this resolution on behalf of the chairman of the committee. In the absence of the author of the resolution, I ask that it go over temporarily.

The PRESIDENT pro tempore. The resolution will go over.

EMPLOYMENT OF TELEPHONE OPERATORS

The resolution (S. Res. 423) continuing the authorization for the employment of two telephone operators was read, considered, and agreed to as follows:

Resolved, That S. Res. 150 and S. Res. 361, agreed to November 9, 1929, and December 18, 1930, respectively, authorizing the em-

ployment of two telephone operators to be paid out of the contingent fund of the Senate, hereby are continued in full force and effect until otherwise provided by law.

PERSONAL MESSENGER FOR SENATOR-ELECT THOMAS P. GORE

The resolution (S. Res. 429) authorizing the employment of a personal messenger by Senator-elect Thomas P. Gore, was read, considered, and agreed to, as follows:

Resolved, That Hon. Thomas P. Gore, a Senator elect from the State of Oklahoma be, and he is hereby, authorized to employ on or after March 4, of the current year, a messenger for service as his personal attendant, who shall be paid a salary of \$150 per month out of the contingent fund of the Senate until otherwise ordered.

MARY C. BOLLING

The bill (H. R. 11268) for the relief of Mary C. Bolling was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John Bolling, who was a member of Troop B, Fourth Regiment Kentucky Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 12th day of February, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

CHARLES SMITH

The bill (H. R. 566) for the relief of Charles Smith was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles Smith, who was a member of Company A, Seventh Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 2d day of February, 1876: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

JAMES EARL BRIGMAN

The Senate proceeded to the consideration of the bill (H. R. 504) for the relief of James Earl Briggman, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, to strike out "Briggman" and to insert in lieu thereof "Brigman," so as to read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Earl Brigman, who served as a member of Company A, Thirteenth Infantry, shall hereafter be held and considered to have been honorably discharged from said service on the 10th day of April, 1915: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act for the relief of James Earl Brigman."

WILLIAM L. WILES

The bill (H. R. 4269) for the relief of William L. Wiles, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William L. Wiles, late a private in Company K, Second Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service as a private of that organization on the 10th day of August, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WILLIAM PARISH

The bill (H. R. 2505) for the relief of William Parish was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William Parish, who was a member of Company L, Fourteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 15th day of January, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WILLIAM S. McWILLIAMS

The bill (H. R. 313) for the relief of William S. McWilliams was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William S. McWilliams, who was a member of Troop E, First Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 26th day of July, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

MARY NEAF

The bill (H. R. 783) for the relief of Mary Neaf, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That Mary Neaf, mother of Richard Neaf, who served under the name of John Ryan as a private in the One hundred and sixty-seventh Company, Coast Artillery Corps, shall be considered as the duly designated beneficiary of the late Richard Neaf, alias John Ryan, under the act approved May 11, 1903, as amended by the act approved March 3, 1909 (35 Stat. L., pp. 108 and 735).

ANNA E. STRATTON

The bill (H. R. 2729) for the relief of Anna E. Stratton, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert Stratton, who was a member of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of September, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

THOMAS J. HAYDEN

The bill (H. R. 1526) for the relief of Thomas J. Hayden, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas J. Hayden, who was a member of the Astor Battery, United States Army, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 31st day of March, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

THOMAS F. SUTTON

The bill (H. R. 2584) for the relief of Thomas F. Sutton, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Thomas F. Sutton, who was a member of Company E, Sixth Regiment Tennessee Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 17th day of September, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

WILLIAM J. CLARK

The Senate proceeded to consider the bill (S. 3867) for the relief of William J. Clark, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army William J. Clark shall be held and considered to have been honorably discharged as a private, Company C, One hundred and sixth Regiment United States Engineers, on May 10, 1918.

ESTATE OF ROBERT GRAHAM MOSS

The Senate proceeded to consider the bill (H. R. 2694) conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased, which was read, as follows:

Be it enacted, etc., That in the settlement of all claims of Mrs. Robert G. Moss as the widow of the late Robert Graham Moss, captain of Infantry, United States Army, who died at Columbus, Ga., on April 6, 1928, and who was entitled to promotion to the grade of major on March 24, 1928, and whose nomination for such promotion was pending in the United States Senate at the

time of his death, said Robert Graham Moss shall be regarded as having been promoted to the grade of major on March 24, 1928, and as having been entitled, from and including that date, to the pay and allowances authorized for an officer in the grade of major with his length of service.

Mr. ROBINSON of Arkansas. Mr. President, this is an unusual measure.

Mr. TYDINGS. Mr. President, does the Senator want to have an explanation of it?

Mr. ROBINSON of Arkansas. Yes.

Mr. TYDINGS. Mr. Moss enlisted as a private when troops were called out in 1916 and was sent to the border. At the conclusion of that service he was made a second lieutenant in the Regular Army. He was promoted thereafter, and at the time of his death was a captain in the service. However, he had been due for promotion to the rank of major, and his promotion had actually been made and the nomination was on the desk here in the Senate, but he had not been confirmed. He died, I think, the day before the Senate would have taken action on his case. Therefore the War Department, as is usual in such cases, withdrew his promotion. Had he lived one day more he would have been confirmed.

Mr. ROBINSON of Arkansas. I have no objection.

The bill was ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "An act for the relief of the widow of Robert Graham Moss."

AUGUST R. LUNDSTROM

The Senate proceeded to consider the bill (S. 229) for the relief of August R. Lundstrom, which had been reported from the Committee on Military Affairs with an amendment, on line 8, after "1903," to insert the words "Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act," so as to read:

Be it enacted, etc., That in the administration of the pension laws August R. Lundstrom, late of Company L, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 6th day of April, 1903: *Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE SELBY

The bill (H. R. 780) for the relief of George Selby, was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George Selby, who was a member of the Thirty-third Ordnance Company, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 27th day of November, 1926: *Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.*

JOSEPH BRATTEN

The bill (H. R. 4876) for the relief of Joseph Bratten was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Bratten, who was a member of Company F, Sixth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 26th day of April, 1899: *Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.*

PATRICK P. RILEY

The Senate proceeded to consider the bill (H. R. 506) for the relief of Patrick P. Riley, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 10, after the word "act," to insert a comma and the words "or to accrue by virtue of its passage," so as to read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Patrick P. Riley, who served as a member of Company D,

Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from said service on the 11th day of July, 1883: *Provided, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act, or to accrue by virtue of its passage.*

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOSEPH MARKO

The bill (H. R. 3363) for the relief of Joseph Marko was considered, read the third time, and passed, as follows:

Be it enacted, etc., That Joseph Marko, who was honorably discharged as a private, Battery E, Three hundred and tenth Field Artillery, on the 6th day of December, 1918, on account of being a neutral alien nondeclarant of Russia, shall, upon application within six months after the passage of this act, be entitled to all the rights, privileges, and benefits of the World War adjusted compensation act, notwithstanding his discharge on account of alienage.

FRANZ J. JONITZ

The bill (S. 988) for the relief of Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Franz J. Jonitz, first lieutenant, Quartermaster Corps, United States Army, such amount as he may have refunded to the United States on account of the loss of public funds for which he was responsible amounting to \$215.56 and which were stolen from the safe of the agent finance officer at Fort Meade, S. Dak., on or about March 31, 1928; and that both he and H. G. Salmon, major, Finance Department, United States Army, whose agent officer Lieutenant Jonitz, was relieved from further responsibility therefor.

JOSEPH PULTIZER

The Senate proceeded to consider the bill (H. R. 2550) for the relief of Joseph Pulitzer, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph Pulitzer, out of any money in the Treasury not otherwise appropriated, the sum of \$1,750, the amount of a fine paid by Joseph Pulitzer in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tendered to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment": *Provided, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.*

Mr. ROBINSON of Arkansas. Mr. President, I should like to have an explanation of that bill. I see the Senator who reported it, the senior Senator from Kansas [Mr. CAPPER], is present.

Mr. CAPPER. Mr. President, this claim arises under what is called the Lever Act, which was passed during the war to prosecute those who violated the profiteering laws. The purpose of this bill is to return to the claimant the sum of \$1,750, which he paid as a fine under section 4 of the Lever Act.

Some time after this fine had been paid the Supreme Court held that section 4 of this Lever Act was unconstitutional. Suits were brought in this and similar cases to recover the fines paid. However, the Supreme Court handed down a decision in the case of United States against Gettinger & Pomerantz, holding that the district court was without jurisdiction to entertain suits of this character. There-

fore the only way in which these amounts paid as fines could be returned would be through a special act of Congress.

The Attorney General said there was no objection to the bill. It has been referred to two Attorneys General. It is simply to return money to Mr. Pulitzer to which the Government has no right, the law having been declared unconstitutional.

Mr. KING. Mr. President, as I understand the facts, it was charged that this man violated a law. He was charged criminally and was fined \$1,750. If I am mistaken in my statement, I will be glad to be corrected. He did not defend the suit. He pleaded *nolo contendere*. He did not challenge the constitutionality of the act itself and carry the case up, but said he would not oppose the judgment of the court. Later when somebody else carried a case to the Supreme Court of the United States involving somewhat similar facts, the Supreme Court held that the law was unconstitutional. Then this man came forward and tried to get his money back. Are those the facts?

Mr. CAPPER. I think that is about the situation.

Mr. ROBINSON of Arkansas. Mr. President, as appears from the bill itself, this man reserved the right to claim reimbursement for the fine if the Supreme Court held the act unconstitutional.

The bill was ordered to a third reading, read the third time, and passed.

MARY L. DICKSON

The bill (H. R. 5470) for the relief of Mary L. Dickson was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$20 monthly after the date of the enactment of this act to Mary L. Dickson, mother of Elizabeth Dickson, in full settlement of all claims on account of the death of the said Elizabeth Dickson while serving as a nurse in the base hospital at Fort Riley, Kans., during the World War.

JESSIE AXTON

The bill (H. R. 9215) for the relief of Jessie Axton was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jessie Axton the sum of \$165, in full settlement of her claim against the Government for services rendered in reporting and transcribing the record in the case of the United States against Horace Alderman.

ALMA RAWSON

The bill (H. R. 6259) for the relief of Alma Rawson was considered, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of \$176.50 to Alma Rawson as reimbursement for personal injuries as a result of slipping in a puddle of water at the Crescent Street post office, Brockton, Mass., on May 11, 1928.

CATHERINE PANTURIS

The Senate proceeded to consider the bill (H. R. 458) for the relief of Catherine Panturis, which had been reported from the Committee on Claims with amendments as follows: On page 1, line 5, strike out "the sum of \$1,000," and line 6, beginning with the word "and," strike out everything down to and including the word "Columbia," in line 10, and insert the following: "during her natural life, or in the event of her death payment shall be made to her three minor children until they have reached their majority, the sum of \$25 per month, in full settlement of all claims against the Government on account of the death of her husband, Chris Panturis, Two hundred and eleventh Aero Squadron, who was killed on June 4, 1927, by an inmate of St. Elizabeths Hospital, Washington, D. C., said monthly payments to be paid through the United States Employees' Compensation Commission," so as to read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Catherine Panturis during her natural life, or in the event of her death payment shall be made to her three minor children until they have reached their majority, the sum of \$25 per month, in full settlement of all

claims against the Government on account of the death of her husband, Chris Panturis, Two hundred and eleventh Aero Squadron, who was killed on June 4, 1927, by an inmate of St. Elizabeths Hospital, Washington, D. C., said monthly payments to be paid through the United States Employees' Compensation Commission: *Provided*, That the passage of this act shall in no way affect the allowance of widow's compensation in the amount of \$52 per month which Catherine Panturis now receives under existing law: *Provided further*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

ABRAM H. JOHNSON

The bill (H. R. 589) for the relief of Abram H. Johnson was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Abram H. Johnson, who was a corporal of Company K, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment March 18, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

RELATIONSHIP OF FEDERAL AND STATE GOVERNMENTS RESPECTING INDIAN RESERVATIONS

The Senate proceeded to consider the resolution (S. Res. 432) increasing the limit of expenditures by the Committee on Indian Affairs in its investigation of the relationship of the Federal and State Governments respecting Indian reservations, which was read, as follows:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, authorized by Senate Resolution 282, agreed to June 25, 1930, to investigate the relationship between the Federal Government and the governments of the several States wherein are located Indian reservations or unallotted Indian tribal lands, or any other Indian lands not subject to taxation by such States or political subdivisions thereof, with a view of developing a plan by which the United States may make a fair and equitable contribution toward the expenses of governmental activities in said States, hereby is authorized to expend out of the contingent fund of the Senate \$5,000 in addition to the \$5,000 authorized in said resolution in pursuance of the purposes hereinbefore mentioned.

Mr. JONES. Mr. President, I would like to ask as to the character of this investigation.

Mr. STEIWER. Mr. President, late in the last session of Congress the Senate agreed to a resolution authorizing the Senate Committee on Indian Affairs to make certain investigations into the relationship of the United States and the various counties and States in which Indian reservations were located with respect to the nontaxable character of Indian lands, with a view to developing some plan by which an equitable relation might be made between the United States and the several local agencies for the protection of those local agencies.

A subcommittee was appointed, the work is now going on, and it is thought that the amount provided in the original resolution is not quite enough. The original resolution carried \$5,000. We took the matter up with the Committee on Indian Affairs, and that committee thought it would be well to ask for an additional \$5,000. Accordingly, Senate Resolution 432 was introduced recently and is now reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. JONES. What is the character of the investigation?

Mr. STEIWER. So far it has been chiefly an investigation by correspondence, by which we have sought to learn something of the value of Indian properties and to make an estimate of what the revenues from the properties would be if they were subject to taxation, and to learn the advantages, if any, accruing to the local communities and taxing

agencies by reason of the presence of the Indian reservations, all with a view of trying to arrive at the proper relationship between the United States and the local agencies.

In this matter we are having the cooperation of the Bureau of Indian Affairs. I might say to the Senator that of the first \$5,000 appropriated the subcommittee spent something like \$1,600. It is not an expensive procedure under which we are working. It was thought, however, that if we held hearings in the fall in Oklahoma and some other of the States of the Union in which are located very large Indian properties, the first \$5,000 authorized will not be adequate, and it is quite important that some additional money be provided.

Mr. JONES. Why can not we get the information we want largely through correspondence instead of having to hold hearings?

Mr. STEIWER. Up to this time we are getting information by correspondence, but I will say to the Senator that we are experiencing considerable trouble. The information we require must, of course, be as nearly correct as we can develop it, and we find that many of the local county officials are either unable or unwilling to give us the cooperation we need. It may not be necessary that we hold hearings, but if it becomes necessary to hold hearings in order to complete the job, which is now half finished, it would be very unfortunate if we should be prevented by reason of a lack of funds.

Mr. JONES. If we can not get cooperation of the counties by correspondence, how does the Senator expect to get it?

Mr. STEIWER. There will be no difficulty at all. We may be obliged to send out an investigator or some member of the subcommittee. For instance, we have not yet obtained all the information that is desired from the State of Washington.

Mr. JONES. I have some reports from some of the counties in my State which I have not yet transmitted to the committee. I understand that is what I have been gathering a lot of information for from the different counties for the committee. I have reports from several counties that I have not yet transmitted to the committee.

Mr. STEIWER. We should be very glad to receive the information.

Mr. JONES. It seems to me by taking this matter up through the different Senators we would be able to get practically all of the information necessary.

Mr. STEIWER. That has been done. We have taken it up with Congressmen, too, so far as that is concerned.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

BILL PASSED OVER

The bill (H. R. 11852) amending the statutes of the United States to provide for copyright registration of designs was announced as next in order.

Mr. ROBINSON of Arkansas and Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

BUILDINGS ON GOVERNMENT ISLAND, ALAMEDA, CALIF.

The bill (S. 6105) to authorize the construction on Government Island, Alameda, Calif., of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That upon acceptance of title by the United States to land on Government Island, in the city of Alameda, Calif., conveyed under authority of joint resolution of July 3, 1930 (46 Stat. 1018), the Secretary of Agriculture be, and he is hereby, authorized to cause plans to be prepared, by contract or otherwise, and to construct on said land such buildings as may be required (a) by the Bureau of Public Roads and the Forest Service of the Department of Agriculture for a supply depot, warehouse, and shops; (b) by the Coast Guard of the Treasury Department for a supply depot, warehouse, shops, garage, living quarters for 75 men, and a marine railway for boats approximately 75 feet in length; and (c) by the Bureau of Public Roads, Forest Service, and Coast Guard for a joint administrative building.

SEC. 2. For the purpose of carrying out the provisions of this act and the preparation of the site for the buildings authorized

hereby, including necessary roads, streets, and bridges, there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$800,000.

FEDERAL-AID ROAD CONSTRUCTION IN HAWAII

The bill (H. R. 16913) to amend the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924, was considered.

Mr. LA FOLLETTE. Mr. President, I would like to have a brief explanation of the bill.

Mr. BINGHAM. Mr. President, the Senator from Arizona [Mr. HAYDEN] who made the report is not here, but I think I can make a brief explanation of it which I trust will be satisfactory.

This is merely an act of justice to the Territory of Hawaii. At the time the Federal-aid road project was passed in 1916, it was generally supposed, as disclosed by the debates at that time, that it applied to the Territory of Hawaii. It was afterwards ruled that it did not. In the meantime the Territory of Hawaii went to work and bonded itself to the extent of \$3,500,000 to provide for the building of roads, many of which are needed for national defense and are military roads. The Territory of Hawaii having bonded itself to the full extent permitted under the law, it has been unable to meet the amounts which have been appropriated and set aside by reason of the fact that they can not increase their bonded indebtedness. This is an act of justice. It does not require additional money. It takes money which has been appropriated and allocated and says that it may be matched by Territorial money which was spent after the act of 1916 was enacted.

Mr. LA FOLLETTE. I have no objection.

The bill was ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924 (43 Stat. 17), is hereby amended by adding at the end thereof the following: " : *Provided further,* That the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the governor of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal highway act respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions: *And provided further,* That there is authorized to be paid from funds heretofore authorized, appropriated, allocated, and unobligated under the Federal highway act a sum not to exceed \$880,000 for the purpose of road construction in the Territory of Hawaii, which sum equals the amount such Territory would have received for roads built and incorporated upon the 7 per cent system as approved, during the period from 1917 to 1925. The Secretary of the Treasury shall pay to the Territory of Hawaii, or to such official or depository as may be designated by it, on warrants drawn by the Secretary of Agriculture, such part of such sum as may from time to time be necessary for the construction or reconstruction of any highway in such Territory the project for which has been approved by the Secretary of Agriculture. The provisions of this act shall in no way impair the right of such Territory to receive the benefits of the Federal highway act."

LESTER SWANBERG

The bill (S. 4751) for the relief of Lester Swanberg was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester Swanberg the sum of \$100 a month for 50 months, from and after the date of the approval of this act, as compensation for disability resulting from injuries sustained by him on or about August 14, 1916, while in the performance of his duties as a member of Machine Gun Troop, First Illinois Cavalry, which was stationed on the Mexican border. Such monthly payments shall be made through the Employees' Compensation Commission.

STANISLAUS SIEMEK

The bill (S. 1412) for the relief of Stanislaus Siemek was considered. The bill had been reported from the Committee on Claims with amendments, on page 1, line 3, to strike out "\$15,000" and insert "\$3,500," and on page 2, at the end of the bill, to insert a new proviso, so as to make the bill read:

Be it enacted, etc., That the sum of \$3,500 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to Stanislaus Siemek, of Baltimore, Md., in full compensation for injuries, permanent and otherwise, resulting from a driver of a United States Army truck negligently running into and upon Stanislaus Siemek while his automobile was parked on the north side of Foster Avenue, between Lakewood and Glover, on the 18th day of May, 1922, at which time the said Stanislaus Siemek was inspecting the engine of his parked automobile, and said injuries resulting from no fault of the said Stanislaus Siemek: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES HAMMERED PISTON RING CO.

The bill (S. 5789) for the relief of the United States Hammered Piston Ring Co. was considered. The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "\$7,023.71" and insert "\$4,492.76," so as to read:

Be it enacted, etc., That the appropriation Aviation, Navy, 1929, act of May 21, 1928 (45 Stat. 636), is hereby made available in such sum as may be necessary, but not exceeding \$4,492.76, for settlement by the Comptroller General of the United States, on principles of equity and justice, the claims of the United States Hammered Piston Ring Co., under contract with the Navy Department No. N-156a-4703, dated June 10, 1929.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM RICHARD SANFORD

The bill (S. 4382) for the relief of William Richard Sanford was considered. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Anna Marie Sanford, widow of William Richard Sanford, deceased, former furnaceman, navy yard, Washington, D. C.: *Provided*, That compensation, if any, shall commence from and after the date of the passage of this act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Anna Marie Sanford, widow of William Richard Sanford, deceased."

AGNES LOUPINAS

The bill (H. R. 3187) for the relief of Agnes Loupinas was considered. The bill had been reported from the Committee on Claims with an amendment on page 1, line 7, after the word "received," to insert the words "by her," so as to make the bill read:

Be it enacted etc. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$3,500 to Agnes Loupinas, of Detroit, Mich., for personal injuries received by her on the 29th day of August, 1925: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 per cent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

H. L. TODD

The bill (S. 5215) for the relief of H. L. Todd, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of H. L. Todd, postmaster at San Francisco, Calif., in the sum of \$1,935.90, and to certify such credit to the General Accounting Office. Such sum represents the amount disbursed to enlisted men of the United States Army for services as chauffeurs on trucks loaned by the War Department to the post office at San Francisco, in December, 1928.

Sec. 2. The surety on the bond of the said H. L. Todd, as postmaster at San Francisco, Calif., is hereby relieved of any liability on account of such disbursement.

ELIZABETH B. DAYTON

The bill (S. 5839) for the relief of Elizabeth B. Dayton was considered, ordered to be engrossed for a third reading, read the third time and passed, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Elizabeth B. Dayton, formerly an employee of the United States Shipping Board.

ABRAHAM GREEN

The bill (S. 1617) for the relief of Abraham Green was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$800 to Abraham Green, of Manchester, N. H., which sum represents the loss sustained by said Abraham Green on the bail bond of Myer Gallant, who was afterwards captured and returned to the United States officers by the said Abraham Green; record of said estreatment of bond and the payment of said sum of money on April 7, 1924, are shown in the report and affidavit of the clerk of the United States Court for the District of New Hampshire.

MAUMEE RIVER BRIDGE, LUCAS COUNTY, OHIO

The Senate proceeded to consider the bill (S. 5782) to extend the times for commencing and completing the construction of a bridge across the Maumee River at or near its mouth, in Lucas County, Ohio, which had been reported from the Committee on Commerce with amendments.

The amendments were, in line 7, after the figures "1929," to insert "heretofore extended by act of Congress approved June 10, 1930," and in line 8, after the word "hereby," to insert "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Maumee River at or near its mouth, in Lucas County, Ohio, authorized to be built by Eugene Rheinfrank, his heirs, legal representatives, and assigns, by the act of Congress approved March 4, 1929, heretofore extended by act of Congress approved June 10, 1930, are hereby further extended one and three years, respectively, from March 4, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS THE OHIO RIVER NEAR CANNELTON, IND.

The Senate proceeded to consider the bill (S. 6064) to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Cannelton, Ind., which had been reported from the Committee on Commerce with amendments.

The amendments were, in line 7, after the figures "1929," to insert "heretofore extended by act of Congress approved May 13, 1930," and in the same line, after the word "hereby" to insert "further," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Ohio River at or near Cannelton, Ind., authorized to be built by the Hawesville & Cannelton Bridge Co., by the act of Congress approved March 1, 1929, heretofore extended by act of Congress approved May 13, 1930, are hereby further extended one and three years, respectively, from March 1, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE NEAR CULBERTSON, MONT.

The Senate proceeded to consider the bill (S. 5987) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont., which had been reported from the Committee on Commerce with an amendment.

The amendment was, in line 6, after the name "Richland," to insert a comma and "or any of them," so as to make the bill read:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River at or near Culbertson, Mont., authorized to be built by the State of Montana and the counties of Roosevelt and Richland, or any of them, by the act of Congress approved July 3, 1930, are hereby extended one and three years, respectively, from July 3, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR HASTINGS, MINN.

The Senate proceeded to consider the bill (S. 6018) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near Hastings, Minn., which had been reported from the Committee on Commerce without amendment, and it was read as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Mississippi River at or near Hastings, Minn., authorized to be built by the State of Minnesota, by the act of Congress approved January 14, 1929, heretofore extended by act of Congress approved April 25, 1930, are hereby further extended one and three years, respectively, from January 14, 1931.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE NEAR NEW BOSTON, ILL.

The Senate proceeded to consider the bill (S. 6045) authorizing D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the town of New Boston, Ill., which had been reported from the Committee on Commerce without amendment, and it was read, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the town of New Boston, Ill., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such States, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of the bridge is located, or any two or more of them jointly, may, at any time, acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damage or compensation to be allowed shall not include good will, going value, or prospective revenues or profits but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements. If the bridge is not taken over by the States as provided in section 4 after the amortization of the senior securities the net revenue in excess of 8 per cent of the cost of the structure as provided in section 6 shall form a sinking fund which shall be applied in reducing the cost of making the structure a free bridge to the States or adjacent counties desiring to take it over, maintain, and operate it.

SEC. 5. If such bridge shall be taken over or acquired by the States or public agencies, or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including a reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 6. D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the highway departments of the States of Illinois and Iowa, a sworn itemized statement, showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon the request of the highway departments of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said D. S. Prentiss, R. A. Salladay, Syl F. Histed, William M. Turner, and John H. Rahilly, their heirs, legal representatives and assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure, or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 5025) to amend section 126 of the Judicial Code as amended, was announced as next in order.

SEVERAL SENATORS. Over.

THE PRESIDENT pro tempore. The bill will go over.

Mr. ROBINSON of Arkansas. Mr. President—

THE PRESIDENT pro tempore. The Chair understood that objection was made and the bill will go over.

Mr. ROBINSON of Arkansas. I did not object, but I wish to know what the bill is.

Mr. McNARY. I think the bill had better go over.

THE PRESIDENT pro tempore. Objection is made by the Senator from Oregon and the bill will go over.

AMENDMENT OF RADIO ACT OF 1927

Mr. DILL. Mr. President, earlier in the evening Calendar No. 1635, the bill (H. R. 11635) to amend the radio act of 1927, approved February 23, 1927, and for other purposes, came up and I asked that it go over temporarily because the Senator from Illinois [Mr. GLENN] was not in the Chamber at the moment, and he had an amendment which he wanted to offer. I should like to recur to that order of business now and see if we can not dispose of the bill. It contains largely technical amendments to perfect the law and to remove some of the inequalities that are in it and also to carry out some resolutions which have passed the Senate and are now on the Calendar of the House, but have not passed the House.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington?

Mr. LA FOLLETTE. Mr. President, may I ask the Senator from Washington a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Does the bill provide that the Radio Commission shall hold hearings when they are requested?

Mr. DILL. One of the principal things the bill does is to enlarge the power for hearings, and to require hearings wherever any application is made for any material change in the license. It prohibits the action of the commission without hearings.

Mr. LA FOLLETTE. I am very much interested in that feature of the bill. I would like to have the Senator explain in detail a little about what that provision of the bill accomplishes. I have in mind certain cases which have been brought to my attention where parties have desired a hearing on certain matters which they felt affected their rights, and the commission has ruled that action could be taken without hearings.

Mr. DILL. I will say to the Senator that under the provisions of the bill practically no change of power or wave length, or any material change in the number of hours to operate, can be made by the commission without a hearing.

Mr. LA FOLLETTE. Does it provide for the admission of those who may consider that they have an interest in the matter?

Mr. DILL. It goes further than that. It requires that notice shall be given to all those who might be affected by any action taken by the commission. I may say that it authorizes the commission to appoint examiners or any one of the commissioners to go out and hold hearings, and makes it somewhat more comparable with the Interstate Commerce Commission and the Federal Trade Commission in that regard. The commission have, I think, at times made some changes without hearings that have caused considerable dissatisfaction. The purpose of the legislation is to make it practically impossible to make any important change in a license without a hearing.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Washington to recur to the consideration of the bill referred to?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That subparagraph (f) of section 1 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 81), is amended by inserting after the words "within the" the words "jurisdiction of the," so that as amended said subparagraph shall read: "or (f) upon any aircraft or other mobile stations within the jurisdiction of the United States, except under and in accordance with this act and with a license in that behalf granted under the provisions of this act."

SEC. 2. That section 2 of the radio act of 1927 (U. S. C., title 47, sec. 82) be, and the same is hereby, amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 2. For the purposes of this act the United States is divided into five zones, as follows: The first zone shall embrace the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, and the District of Columbia; the second zone shall embrace the States of Pennsylvania, Virginia, West Virginia, Ohio, Michigan, and Kentucky; the third zone shall embrace the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Missis-

issippi, Arkansas, Louisiana, Texas, and Oklahoma; the fourth zone shall embrace the States of Indiana, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Nebraska, Kansas, and Missouri; and the fifth zone shall embrace the States of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

"The Virgin Islands, Porto Rico, Alaska, Guam, Eastern Samoa, and the Hawaiian Islands are expressly excluded from the zones herein established, but this act shall apply to them with equal force and effect."

SEC. 3. The first paragraph of section 3 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 83) is amended by adding at the end thereof the following: "The chairman shall be elected annually. The commission shall also elect annually a vice chairman, who shall act during the absence or disability of the chairman, or in case of a vacancy in the office of chairman, with all the powers and duties of the chairman."

SEC. 4. Paragraph (f) of section 4 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 84) is amended by striking out the words "in the character of emitted signals," and inserting after the word "unless" in the sixth line thereof the words "after a hearing," so that as amended the proviso will read as follows: "Provided, however, That changes in the wave lengths, authorized power, or in the times of operation of any station shall not be made without the consent of the station licensee unless, after a hearing, in the judgment of the commission, such changes will promote public convenience or interest or will serve public necessity or the provisions of this act will be more fully complied with."

Paragraph (k) of said section is amended by striking out the first sentence and by inserting in lieu thereof the following:

"The commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and the ends of justice. The commission may hold public hearings and order testimony to be taken by deposition, at any designated place, in connection with any proceeding or investigation under the provisions of this act; and require by subpoena the attendance and testimony of witnesses and the production of documentary evidence, from any place in the United States, at any designated place of hearing. Any member of the commission, or any examiner or other officer or employee thereof, when duly designated by the commission for such purpose, may hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the commission. In case of failure to comply with any subpoena or in case of the contumacy of any witness appearing at any hearing before an examiner, the commission, or a division thereof, the commission may invoke the aid of any district court of the United States. Such a court may thereupon order the witness to comply with the requirements of the subpoena, or to give evidence which is relevant to the matter in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof."

"A majority of the commission shall constitute a quorum for the transaction of business, but no commissioner shall participate in any hearing or proceedings in which he has a pecuniary interest. The commission may, from time to time, make or amend such general rules or orders as may be requisite for the order and regulation of the proceedings before it, including forms of notices and the service thereof, which shall conform, as nearly as may be, to those in use in the courts of the United States. Any party to any proceeding may appear before the commission or any division thereof or before an examiner or other member, officer, or employee of the commission holding any hearing and be heard in person or by attorney. Every vote and official act of the commission, or of any division thereof, shall be entered of record, and its proceedings shall be public upon the request of any party interested. In every case where a hearing or investigation is held pursuant to the requirements of this act, the commission shall file with its decision or order, and make public an opinion or memorandum opinion in writing stating the reasons for its decision or order, and where a hearing or investigation has been held upon the merits of any matter, shall file with its decision or order and make public a written report in respect thereto which shall state the findings of fact and conclusions of the commission. A copy of such order or decision, together with the opinion, and findings and conclusions if made, shall be forthwith served upon each party to the proceeding."

"The commission may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the commission and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition, or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided."

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witnesses shall be paid by the party at whose instance they are called."

"No person shall be excused from attending and testifying or answering any lawful inquiry or from deposing or from producing

documentary evidence before the commission, or any member, examiner, or other officer or employee thereof, or in obedience to the subpoena of the commission, whether such subpoena is signed or issued by one or more commissioners, or by any other person duly authorized, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this act, or upon the taking of any deposition herein provided for, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled under oath so to testify, or produce evidence, documentary or otherwise: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying."

Sec. 5. Section 9 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 89) is amended by striking out the third paragraph thereof and inserting in lieu thereof the following:

"No license granted for the operation of a radio station shall be for a longer term than one year, and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term not to exceed one year, but action of the commission with reference to the granting of such application shall be limited to and governed by the same considerations and practice which affect the granting of original applications."

Said section 9 of the radio act of 1927 is further amended by inserting in the first sentence of the second paragraph of said section 9 as amended by "An act continuing for one year the powers and authority of the Federal Radio Commission under the radio act of 1927, and for other purposes," approved March 28, 1928, between the word "States" and the words "the District of Columbia" the word "and" in lieu of the comma now appearing and by striking out in said sentence the words "the Territories and possessions of the United States"; and by inserting in the last sentence of said paragraph as amended the word "or" between the word "State" and the word "District" in lieu of the comma now appearing between said words, and by striking out the comma and the words "Territory, or possession" after the word "District" in said sentence and by inserting after the last sentence of said paragraph a new paragraph to read as follows:

"The provisions of this section shall not apply to the Virgin Islands, Porto Rico, Alaska, Guam, Eastern Samoa, and the Hawaiian Islands."

Sec. 6. Section 10 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 90) is amended by striking out the first sentence and by inserting in lieu thereof the following: "The licensing authority may grant licenses, renewal of licenses, and modification of licenses only upon written application therefor received by it: *Provided, however*, That in cases of emergency found by the commission, licenses, renewals of licenses, and modifications of licenses, for stations on vessels or aircraft of the United States, may be issued under such conditions as the commission may impose, without such formal application. Such licenses, however, shall in no case be for a longer term than three months: *Provided further*, That the commission may issue by cable, telegraph, or radio a permit for the operation of a station on a vessel of the United States at sea, effective in lieu of a license until said vessel shall return to a port of the continental United States."

Sec. 7. Section 12 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 92) is amended by striking out the whole of said section and inserting in lieu thereof the following:

"Sec. 12. The station license required hereby shall not be granted to, and after the granting thereof such license shall not be transferred in any manner, either voluntarily or involuntarily, or indirectly by transfer of control of any company, corporation, or association holding such license, to (a) any alien or the representative of any alien; (b) to any foreign government or the representative thereof; (c) to any company, corporation, or association organized under the laws of any foreign government; (d) to any company, corporation, or association of which any officer or director is an alien, or of which more than one-fifth of the capital stock may be voted by aliens or their representatives, or by a foreign government or representative thereof, or by any company, corporation, or association organized under the laws of a foreign country: *Provided, however*, That nothing herein shall prevent the licensing of radio apparatus on board any vessel, aircraft, or other mobile station of the United States when the installation and use of such apparatus is required by act of Congress or any treaty to which the United States is a party."

"The station license required hereby, the frequencies or wave length or lengths authorized to be used by the licensee and the rights therein granted shall not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, or indirectly by transfer of control of any company, corporation, or association holding such license, to any person, firm, company, association, or corporation, unless the commission shall, after a hearing, decide that said transfer is in the public interest, and shall give its consent in writing."

Sec. 8. Section 14 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 94) is amended by striking out the words "Any station license shall be revocable by the commission" and by inserting in lieu thereof the following: "Any station license may be revoked, modified, or suspended for a period of not to exceed 30 days by the commission."

Said section is further amended by striking out all of the proviso and by inserting in lieu thereof the following: "*Provided, however*, That no license shall be revoked, modified, or suspended until the licensee shall have been notified in writing of the proceedings for such revocation, modification, or suspension, the cause for the proposed action, and shall have been given reasonable opportunity to show cause why an order of revocation, modification, or suspension should not be issued: *Provided further*, That the commission may, by unanimous vote of its members, suspend or modify a station license pending the hearing and determination of any such order to show cause, if the public interest, convenience, or necessity require such suspension or modification. In case of such suspension or modification pending hearing, the commission shall give the licensee immediate notice thereof and said licensee shall upon demand be entitled to an immediate hearing upon the question of the continuance of such suspension or modification pending the hearing and determination of the proposal for revocation, modification, or suspension."

Sec. 9. Section 16 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 96) is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"Sec. 16. (a) An appeal may be taken to the Court of Appeals of the District of Columbia from any decision or order of the commission granting or denying, in whole or in part, an application for a station license, or for a construction permit, or for a renewal of station license, or for modification of a station license, and from any decision or order of the commission revoking, suspending, or modifying, or refusing to revoke, suspend, or modify a construction permit or station license. Such appeal may be taken by any party to the proceeding in which the order was made, whether an applicant, licensee, permittee, intervenor, or person otherwise appearing therein, except that in case of a decision or order suspending or revoking a station license, the appeal may be taken by the licensee only."

"(b) Such appeal shall be taken by filing with said court, within 20 days after the decision or order complained of is effective, a notice in writing of such appeal and a statement of the reasons therefor, together with (1) proof of personal service of a true copy of said notice and statement upon the commission, and of service thereof by registered mail upon all other parties to the proceeding in which the order complained of was made (such service to be deemed complete upon the deposit in the United States mails of a duly registered envelope addressed to the party to be served, or his attorney, at the address of either as shown by the records of the commission, containing a copy of said notice and statement), and (2) a bond in such sum as the court may determine, conditioned that the party appealing will pay the costs of the proceedings if the court so directs. Unless a later date is specified by the commission as part of its decision or order, the decision or order complained of shall be considered to be effective as of the date on which public announcement thereof is made at the office of the commission in the city of Washington."

"(c) Within 30 days after the service of said notice upon it, the commission shall file with the court the originals or certified copies of all papers and evidence filed with or presented to it in the proceeding in which the order appealed from was made, together with a copy of its decision or order, opinion, findings of fact, and conclusions."

"(d) Any party to the proceeding before the commission, by filing with the court a notice of appearance, together with proof of service thereof by registered mail upon the party appealing and upon the commission within 30 days after the service of said notice upon him, or any other person permitted by the court to intervene upon a showing of interest in the subject matter and reasonable cause of failure to appear before the commission, may join in the appeal or appear as a party respondent. Any person may at any time be made a party to the proceedings by the court if his presence is necessary or proper to a complete determination of the cause."

"(e) The court shall hear and determine the appeal upon the record before it, and shall have power to affirm the order or decision appealed from or, if such order or decision is not in accordance with law, to reverse or modify the same, in whole or in part, for error of law. Such appeals shall be given precedence over other cases pending in said court and shall be in every way expedited. The findings of the commission as to the facts, if supported by testimony, shall be conclusive. The determination of the court shall be confined to the points set forth in the statement of reasons for appeal. The court may, in its discretion, enter judgment for costs in favor of or against the party appealing and/or other interested parties appearing on said appeal, but not for or against the commission."

"(f) If at any stage of the proceedings upon appeal the court determines that the just and proper disposition of the case required the taking of additional evidence, it shall order the proceedings to be reopened before the commission for the taking of such evidence in such manner and upon such terms and conditions and as to such matters as the court deems proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file with the court such modified or new findings which, if supported by testimony, shall be conclusive, and its recommendations, if any, for the setting aside or modification of its original order with the return of such additional evidence."

"(g) The court shall not have power to make any order or enter any judgment affecting any substantial interest if any person who has not appeared or been made a party to the proceedings

upon said appeal. Any order made or judgment entered contrary hereto shall be void and of no effect with respect to such person, and shall pro tanto not be binding upon the commission.

"(h) The court may, subject to the foregoing limitation, upon notice to the commission and to all other parties to the appeal, after hearing, and for good cause shown, enter an order staying action of the commission under the order appealed from, in whole or in part, upon the giving of a bond by the party applying for the stay in such amount and with such terms and conditions as the court may deem proper. Pending a hearing upon the application for stay, the court may enter a temporary stay for a period of not to exceed 15 days.

"(i) The judgment of the Court of Appeals of the District of Columbia shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari as provided in section 240 of the Judicial Code, as amended.

"(j) After review of any decision or order of the commission from which an appeal is taken under this section to the Court of Appeals of the District of Columbia, it shall be the duty of the commission to set aside or modify its decision or order in so far as may be necessary to accord with any judgment of the court that has become final.

"(k) Nothing in this section shall be construed to prevent the application of section 239 of the Judicial Code, as amended (relating to certification of questions of law), to cases in the Court of Appeals of the District of Columbia arising under this section.

"(l) Any licensee may, at his option, in lieu of appealing to the Court of Appeals of the District of Columbia, appeal from any decision or order of the commission revoking or suspending a station license, to the district court of the United States for the district in which the transmitting apparatus of the station license is operated. The provisions of subsections (b), (c), (f), and (h) shall apply to such appeals. Upon any such appeal the commission shall appear as respondent. The matter may be brought on to be heard by the court in the same manner as a motion, by either the attorney for the commission or the attorney for the licensee, at any time after the commission has filed with the court the record provided for by subsection (c). The findings of the commission as to the facts, if supported by evidence, shall be conclusive. The court shall hear and determine the appeal upon the record before it and shall have power to affirm the order or decision appealed from, or, if such order or decision is not in accordance with law, to modify or reverse the same for error of law. After review of any order from which an appeal is taken under this subsection it shall be the duty of the commission to set aside or modify its order in so far as may be necessary to accord with any judgment of the district court that has become final.

"(m) The jurisdiction of the Court of Appeals of the District of Columbia and of district courts of the United States under this section to review any decision or order of the commission revoking or suspending a station license, and the jurisdiction of the Court of Appeals of the District of Columbia under this section to review any other order of the commission specified in subsection (a), shall be exclusive. An appeal filed by any licensee with any such court for the review of an order of the commission revoking or suspending a station license shall bar appeal by such licensee to any other court for the review of such order."

Sec. 10. Section 30 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 110) is amended by inserting in the first proviso thereof after the word "Alaska" the words "Guam, eastern Samoa."

Sec. 11. Section 32 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 112) is amended by striking out the last four words and by inserting in lieu thereof the following: "each and every day during which such offense occurs."

Sec. 12. (a) The Federal Radio Commission shall have authority, through its supervisors and inspectors, to summarily seize any radio-transmitting apparatus used or operated by any person for radio communication or radio transmission of energy in violation of the provisions of the radio act of 1927, as amended. If any supervisor or inspector of radio appointed by the commission has reasonable cause to believe that any such apparatus so unlawfully used or operated is concealed in any dwelling house or other place, and affidavit is made as required by law, a search warrant may issue as provided in Title XI of Public Law No. 24, of the Sixty-fifth Congress, approved June 15, 1917, and any property seized under such search warrant shall be subject to such disposition as the court may make thereof. Supervisors and inspectors of radio appointed by the commission are hereby declared to be officers of the United States, to whom such search warrants may be issued.

(b) The commission may cause proceedings to be instituted for the forfeiture of such apparatus, with or without a previous seizure, in any district court of the United States within the district where the same is found, or has been seized either summarily or upon a search warrant, by a process of libel. The proceedings upon such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand a trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States and conducted by the district attorney. If such apparatus is found to have been used or operated for radio communication or radio transmission of energy in violation of the radio act of 1927, as amended, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States. Upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such apparatus shall

not be used or operated in violation of the radio act of 1927, as amended, the court may by order direct that such apparatus be delivered to the owner thereof.

Sec. 13. (a) All the powers and authority vested in and exercised by the Secretary of Commerce by the act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, as amended, and by the radio act of 1927, are hereby vested in and shall, after the approval of this act, be exercised by the Federal Radio Commission.

(b) All the records and files of the radio division of the Department of Commerce are hereby transferred to the Federal Radio Commission and shall be available for use by such commission in all proceedings under the radio act of 1927, as amended, to the same extent as if such records and files were original records and files of such commission.

(c) All property of the United States under the jurisdiction and control of the Secretary of Commerce used by the radio division of the Department of Commerce, including all monitoring radio stations, is hereby transferred to the jurisdiction and control of the Federal Radio Commission.

(d) All officers and employees under the jurisdiction and control of the Radio Division of the Department of Commerce are hereby transferred to the jurisdiction and control of the Federal Radio Commission. Such transfer shall not operate to change the grade or salary of any such officer or employee.

(e) All unexpended balances of appropriations to be expended by the Secretary of Commerce in the administration of the radio division of the Department of Commerce, available upon the date of the approval of this act, or to become available thereafter, are hereby transferred to the Federal Radio Commission and shall be available for expenditure by the commission in the administration of the radio act of 1927, as amended.

(f) All permits and licenses issued by the Secretary of Commerce under the radio act of 1927, as amended, shall continue in effect to the same extent as if they had been issued by the Federal Radio Commission under this act.

(g) All rules and regulations of the Secretary of Commerce applicable to interstate and foreign radio transmissions and communications or to persons subject to the radio act of 1927, as amended, or to the act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers," approved June 24, 1910, as amended, shall be effective as rules and regulations of the Federal Radio Commission until said commission shall otherwise provide, and shall have the same force and effect as rules and regulations made by said commission under the radio act of 1927, as amended.

(h) The enactment of this act shall not invalidate any proceeding by or before, or any of the acts or orders of the Secretary of Commerce prior to the date of the approval of this act. All proceedings, hearings, or investigations commenced or pending before the Secretary of Commerce with reference to matters covered by the provisions of the radio act of 1927, as amended, shall be continued by the Federal Radio Commission in the same manner as originally commenced before said commission, and said commission may exercise any of the powers conferred upon it by the radio act as amended in reference to such matters.

Sec. 14. (a) Section 21 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 101) is amended by striking out the first sentence of said section and by inserting in lieu thereof the following:

"No license shall be issued under the authority of this act for the operation of any station the construction of which is begun after this amendatory act takes effect, unless a permit for its construction has been granted by the licensing authority upon written application therefor."

(b) Section 21 of the radio act of 1927 is further amended by striking out in the fourth sentence of the second paragraph thereof the words "or continued."

Sec. 15. Section 4 of the radio act of 1927 (U. S. C., Supp. III, title 47, sec. 84) is amended by inserting after subsection (k) a new subsection, as follows:

"(l) Have authority to require the painting and/or illumination of radio towers if and when in its judgment such towers constitute or there is a reasonable possibility that they may constitute a menace to air navigation."

Mr. GLENN. Mr. President, I desire to offer the following amendment to the committee amendment.

The PRESIDENT pro tempore. Let the amendment be reported for the information of the Senate.

The amendment was, to add at the end of the committee amendment the following:

That the Federal Radio Commission shall assign one cleared channel frequency within the broadcasting band, with unlimited time and with power equal to the maximum power assigned any broadcasting station in the United States to the owner or owners of the broadcasting station or stations approved by the recognized labor organizations which in the opinion of the commission are most representative of the labor interests of the United States, and shall issue no license or licenses for the use of said frequency except with the written consent of such so recognized labor organizations to any other person, association, corporation, organization, or copartnership.

Mr. LA FOLLETTE. Mr. President, I would like to have the Senator from Illinois explain his amendment to the committee amendment.

Mr. GLENN. After hearings before the committee, a subcommittee was appointed by the chairman of the Committee on Interstate Commerce to draft an amendment of this character. It was believed that there should be preserved to the labor interests of the United States, out of the ninety-some broadcasting frequencies, at least one for the use of labor interests so they could put their cause before the country. There seemed to be no difference of opinion in the general committee and there was no difference of opinion in the subcommittee. That is the whole purpose of the amendment.

Mr. HEFLIN. As I understand, the amendment simply gives a fair deal to labor?

Mr. GLENN. That is the purpose of it, and the only purpose, so far as I am aware.

Mr. FESS. Mr. President, will the Senator yield?

Mr. GLENN. I yield.

Mr. FESS. Did the subcommittee take into consideration allocating a certain percentage for educational purposes?

Mr. GLENN. That question was discussed, and also of doing likewise in relation to agriculture, but it was not submitted to the subcommittee by the general committee.

Mr. FESS. And no action was taken on it?

Mr. GLENN. No action was taken on it. I think that is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Illinois to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SPECIAL ROADWAY AND CURB ASSESSMENTS

Mr. BINGHAM. Mr. President, a short time ago when the District of Columbia appropriation bill was before the Senate I was misinformed with regard to an amendment which the conferees had asked me to propose. I said that I believed it was out of order; I invited a point of order to be made against it, and a point of order was made against it. I have since been advised that the legislative proposal which I desired to have incorporated as an amendment to the appropriation bill has passed the House in the form of a separate bill. The House Committee on the District of Columbia appropriation bill are extremely anxious that we should put that amendment in the bill in order that provision may be made for the disposal of the money and that proper assessments may be levied against property. Therefore, Mr. President, I am going to ask, as a favor, that unanimous consent may be granted to reconsider the vote by which the District bill was ordered to a third reading, and passed.

Mr. LA FOLLETTE. Mr. President, I would have no objection—

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Wisconsin?

Mr. BINGHAM. I yield.

Mr. LA FOLLETTE. I would have no objection to the Senator from Connecticut accomplishing his purpose by unanimous consent; but the fact that a legislative bill has passed the House—or the Senate, for that matter—certainly does not make it germane or admissible as an amendment to an appropriation bill if a point of order is made against it. I have no interest in this question affecting gutters and curbstones, or whatever it is. I will agree that what the Senator desires may be done by unanimous consent; but I do not want that kind of a precedent established.

Mr. BINGHAM. Mr. President, in view of what the Senator has said, I ask unanimous consent that the vote by which the District of Columbia appropriation bill was ordered to a third reading, read the third time, and passed may be reconsidered.

Mr. JOHNSON. Mr. President, if the point of order which previously was made was good, I would insist on it still; but if it was not good, I would not object to the procedure suggested.

The PRESIDENT pro tempore. The present occupant of the Chair was not in the Chamber at the time the point of order was made; but if it were made under paragraph 3 of Rule XVI, the present occupant of the Chair is of the opinion that it is still valid.

Mr. JONES. Mr. President, is this an item of general legislation or is it an item of appropriation?

Mr. LA FOLLETTE. It is an item of general legislation.

Mr. JONES. It does not seem to me that in any event it comes under the rule, if it is a matter of general legislation.

Mr. LA FOLLETTE. I will say to the Senator from Connecticut I have no objection to his accomplishing his purpose by unanimous consent.

Mr. JONES. An item of appropriation, which in the form of a resolution, has passed the Senate during the present session would probably be in order, but general legislation would not be. I understand now, however, it has passed the House as a separate measure, but has not passed the Senate.

Mr. BINGHAM. It is not general legislation; it refers to assessments levied on property for street improvements, and provides that the assessments may not be levied against property where the roadway is more than 40 feet wide, and where on a roadway more than 20 feet wide the pavement is laid on one side only of the center line. The House conferees have asked that we put it in the appropriation bill because a separate bill has passed the House, and it is very necessary for the District that this provision be made at this time, in order that the appropriation bill may accomplish the purpose for which it is intended.

Mr. President—

The PRESIDENT pro tempore. The Chair has studied the rule.

Mr. JOHNSON. If the point of order is good, I still insist upon it.

The PRESIDENT pro tempore. The Senator from California makes the point of order, which the Chair sustains.

Mr. BINGHAM subsequently said: Mr. President, to revert to the matter of curbs and gutters, I ask unanimous consent for the present consideration of Order of Business No. 1500, being House bill 14049, to provide for special assessments for the paving of roadways and the laying of curbs and gutters. Some days ago this bill was substituted on the calendar for a similar Senate bill (S. 4962), which was Calendar No. 1458.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That hereafter, whenever under the appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is paved or repaved with sheet asphalt, asphalt block, asphaltic or bituminous concrete (except penetration macadam), cement concrete, granite block, vitrified brick, or other form of permanent pavement, one-half of the total cost thereof shall be charged against and become a lien upon the abutting property, and assessments thereof shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof, upon the roadway of which said new pavement or repaving is laid: Provided, however, That when such new pavement or repaving is laid solely on one side of the center line of such roadway, the one-half cost thereof shall be assessed, as herein provided, against the property abutting the side of the street, avenue, or road, or portion thereof, so improved.

SEC. 2. For the purposes of computing the assessments under this act, the term "roadway" shall be construed to include the gutters and curbs: *Provided, however, That where any permanent and new construction of curb, or curb and gutter, is laid, and the roadway of the street is not paved or repaved, or is not paved or repaved with a pavement of the character specified in section 1 hereof, the half cost of such curb, or curb and gutter, shall be assessed against the abutting property in the manner provided herein.*

SEC. 3. There shall be excepted from such assessments the cost of paving the roadway in excess of 40 feet in width where the new pavement or repaving is laid on both sides of the center line of such roadway; the cost of paving the roadway in excess of 20 feet in width where the new pavement or repaving is laid solely on one side of the center line of such roadway; the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are limited by lines nor-

mally projected from the building lines of the street, avenue, or road being improved at its point of intersection with the building lines of the intersecting streets, avenues, or roads and also the cost of paving or repaving the space within such roadways for which street-railway companies are responsible under their charters or under law, on streets, avenues, or roads where such railways have been or shall be constructed.

SEC. 4. The maximum linear front foot assessment levied hereunder shall not exceed \$3.50 per linear front foot. The total assessment levied hereunder against any abutting property shall not exceed the number of square feet of area of said property multiplied by 1 per cent of the linear front foot assessment, and shall not exceed 20 per cent of the value of the said abutting property, exclusive of improvements thereon, as assessed for the purpose of taxation at the time of the paving or repairing of the street, avenue, or road for which said assessment is levied. In computing assessments hereunder against unsubdivided land by the square foot or according to the assessed valuation, there shall be excluded from the computation land lying back more than 100 feet from the street, avenue, or road being improved where the depth is even; where the depth is uneven, the average depth shall be taken in computation, but not to exceed 100 feet.

SEC. 5. No property on which a legal assessment has been levied and paid for paving or repaving, curbing, or curbing and guttering, on the roadway of any street, avenue, or road, shall be liable for any further assessment hereunder on account of the replacement of such pavement, curbing, or curbing and guttering.

SEC. 6. No assessments shall be levied for repaving where the original pavement was laid at the whole cost of the owner or owners of the abutting property if the said original pavement was constructed under a permit issued by the District of Columbia and under the supervision and direction of an authorized engineer and inspector of the highway department of said District, in strict accordance with the then current specifications and design for pavements of the type for which permit was issued: *Provided*, That where curb, or curb and gutter, or a part of the roadway has or have been paved under proper permit, subject to engineering and inspection as above stated, the assessment for paving other parts of the roadway, placing curb, or curb and gutter, when the same is done at public expense, shall be made against property abutting on the highway as provided herein, credit being given in such assessment for the half cost of the pavement laid by the owner under permit as above, estimated on the basis of the contract rates for such work at the date of the performance of the assessable work, so that the total cost to the owner for such improvements shall not exceed the amount of assessments which would have been made hereunder had the improvements been all made at public expense.

SEC. 7. No assessment shall be levied for the cost of resurfacing asphalt pavements by the heater method—stripping the surface from a rigid type base, and replacing the surface thereon—or covering an existing hard surface or macadam pavement or base with bituminous material: *Provided*, That where an entire pavement is removed and replaced with a pavement of the character specified in section 1 hereof, the cost of the latter pavement shall be assessed as provided herein, if no previous legal assessment has been levied and paid therefor.

SEC. 8. When any property abuts two or more streets, avenues, or roads, the assessments against said property levied hereunder shall not exceed in the aggregate, together with any legal assessments heretofore levied and paid for the pavings, curbing, or curbing and guttering of or on said streets, avenues, or roads $3\frac{1}{2}$ cents per square foot of area of said property, or 20 per cent of the value of said property, exclusive of improvements thereon, as assessed for purposes of taxation at the time of the paving or repaving, curbing, or curbing and guttering for which the assessment is levied.

SEC. 9. The assessments provided for herein shall be made and collected as provided in the act of Congress approved August 7, 1894, relating to alleys and sidewalks, as amended hereby. The rate of interest to be charged upon any assessment, levied under said act relating to alleys and sidewalks, or any installment thereof, is reduced hereby from 8 per cent per annum to 6 per cent per annum: *Provided, however*, That any installment of any such assessment not paid within the time provided in said act shall thereafter bear interest at the rate of 12 per cent per annum: *And provided further*, That the advertisement by publication of the intention of the Commissioners of the District of Columbia to perform the work and the formal hearing in respect thereto required by law as to alley and sidewalk improvements shall not be required as to roadway, curbing, and gutter improvements.

SEC. 10. Any property owner, aggrieved by any assessment levied hereunder may, within 60 days after service of notice of such assessment, file with the Commissioners of the District of Columbia a protest in writing against such assessment, accompanied by affidavits if he so desires, and if said commissioners find that the property of such owner so protesting is not benefited by the improvement for which said assessment is levied, or is benefited less than the amount of such assessment, or is unequally or inequitably assessed with relation to other property abutting such improvement, said commissioners shall abate, reduce, or adjust such assessment in accordance with such finding. In computing the 60 days provided in the said act of Congress approved August 7, 1894, within which such assessment may be paid without interest, there shall be excluded therefrom the time between the date of the filing of any such protest and the date of action thereon by the commissioners.

SEC. 11. The Commissioners of the District of Columbia are hereby directed to cancel all assessments for improvements com-

pleted within three years prior to the date of the approval of this act, levied under the authority of the acts of July 21, 1914 (38 Stat. 524), and September 1, 1916 (39 Stat. 716), relating to assessments for the paving of streets, avenues, and roads, or under the act of August 7, 1894 (28 Stat. 250), relating to assessments for laying curbs; and the commissioners are further directed to reassess the cost of such improvements against the abutting property in accordance with the provisions of this act, which assessments shall become a lien upon the abutting property and be collected in the manner provided herein. Where assessments for such improvements have been paid in whole or in part the commissioners shall refund, within the limits of appropriations by Congress therefor, to the persons paying the same, the excess, if any, of such payments over the amounts of the reassessments levied hereunder.

SEC. 12. Should any section or provision of this act be decided by the courts to be unconstitutional or invalid, the validity of the act as a whole or of any part thereof other than the part decided to be unconstitutional shall not be affected.

SEC. 13. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

SENATOR FROM ALABAMA

The PRESIDENT pro tempore. Under the unanimous-consent agreement as stated by the previous occupant of the chair, the Senate will now recur to the first order of business on the calendar.

Mr. HEFLIN. Mr. President, before that is done, I send to the clerk's desk a copy of my resolution as revised and modified and ask to have it read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The legislative clerk read the resolution (S. Res. 426) as modified, as follows:

Resolved, That the special committee of the Senate to investigate campaign expenditures, created under authority of S. Res. 215, adopted April 10, 1930, is hereby further authorized and empowered, in the furtherance of the duties provided for in said S. Res. 215, to take possession of ballots and ballot boxes, including poll lists, tabulation sheets, or any other records contained within said boxes, as were used in the general election of November 4, 1930, in the State of Alabama, and to impound and examine the same. Said committee shall deliver said ballot boxes with their contents to the Senate Committee on Privileges and Elections when notice of a contest for a seat in the Senate, from the State of Alabama, has been filed.

Mr. HEFLIN. Mr. President, the Senate will recall that a few days ago I called up this resolution, at which time there was some objection to it. I have modified the resolution so that the so-called Nye committee will seize the ballot boxes and, after examining the poll lists, turn them over to the Committee on Privileges and Elections. I had a long-distance-telephone conversation with Judge Wilkinson, of Birmingham, last night, who told me he had received a letter from a citizen in his county saying that ballots in that county had been burned, that they had been destroyed. If the Senate does not get hold of those ballot boxes as soon as possible, it will be too late.

Some Senators will recall that the Montgomery Advertiser published a statement to the effect that the Nye committee would find nothing but ashes; that the ballots would be burned, and suggesting that to those who had them in charge. I submit to Senators that it is very important to obtain this evidence as soon as possible in order to ascertain just what the poll lists show, to get copies of them, and then turn them all over to the Committee on Privileges and Elections, to which my contest will go.

Mr. President, I ask unanimous consent for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection? [A pause.] Objection is made.

Mr. HEFLIN. Who objected, Mr. President?

The PRESIDENT pro tempore. The Senator from New Hampshire objected.

Mr. HEFLIN. Then, Mr. President, I should like to address the Senate regarding the Senator from New Hampshire.

The PRESIDENT pro tempore. That may not be done under the unanimous-consent agreement.

Mr. HEFLIN. I will do that as soon as there is a bill pending before the Senate, and will take five minutes on each bill, if necessary.

The PRESIDENT pro tempore. That is wholly within the rights of the Senator.

ORDER FOR RECESS

Mr. McNARY. I ask unanimous consent that when the Senate concludes the consideration of the calendar to-night it take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

BILLS AND RESOLUTIONS PASSED OVER

Mr. LA FOLLETTE. Regular order, Mr. President.

The PRESIDENT pro tempore. The clerk will state the first bill on the calendar.

The bill (S. 168) providing for the biennial appointment of a board of visitors to inspect and report upon the government and conditions in the Philippine Islands was announced as first in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 76) to amend Rule XXXIII of the Standing Rules of the Senate relating to the privilege of the floor was announced as next in order.

Mr. LA FOLLETTE. I ask that the resolution go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 551) to regulate the distribution and promotion of commissioned officers of the Marine Corps, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 49) authorizing Committee on Manufactures, or any duly authorized subcommittee thereof, to investigate immediately the working conditions of employees in the textile industry of the States of North Carolina, South Carolina, and Tennessee was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

The resolution (S. Res. 119) authorizing and directing the Committee on Interstate Commerce to investigate the wreck of the airplane *City of San Francisco* and certain matters pertaining to interstate air commerce was announced as next in order.

The PRESIDENT pro tempore. The resolution will go over.

The bill (H. R. 9592) to amend section 407 of the merchant marine act, 1928, was announced as next in order.

Mr. BRATTON. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1278) to authorize the issuance of certificates of admission to aliens, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 245) providing for the appointment of a committee to inquire into the failure of the Speaker of the House of Representatives to take some action on S. J. Res. 3, relative to the commencement of the terms of President, Vice President, and Members of Congress, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 4066) to authorize the merger of the Georgetown Gas Light Co. with and into the Washington Gas Light Co., and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3229) to provide for the appointment of an additional district judge for the southern district of New York was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 699) to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1916) to amend section 1025 of the Revised Statutes of the United States was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4357) to limit the jurisdiction of district courts of the United States was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3344) supplementing the national prohibition act for the District of Columbia was announced as next in order.

Mr. LA FOLLETTE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3558) to amend section 8 of the act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3399) to amend section 2 (e) of the air commerce act of 1926 was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, was announced as next in order.

Mr. BRATTON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3822) to provide for the withdrawal of the sovereignty of the United States over the Philippine Islands and for the recognition of their independence, etc., was announced as next in order.

Mr. VANDENBERG. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 4015) to provide for the revocation and suspension of operators' and chauffeurs' licenses and registration certificates; to require proof of ability to respond in damages for injuries caused by the operation of motor vehicles; to prescribe the form of and conditions in insurance policies covering the liability of motor-vehicle operators; to subject such policies to the approval of the commissioner of insurance; to constitute the director of traffic the agent of nonresident owners and operators of motor vehicles operated in the District of Columbia for the purpose of service of process; to provide for the report of accidents; to authorize the director of traffic to make rules for the administration of this statute; and to prescribe penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. BLAINE. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4254) to provide for the compromise and settlement of claims held by the United States of America arising under the provisions of section 210 of the transportation act, 1920, as amended, was announced as next in order.

Mr. HOWELL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2497) to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes, was announced as next in order.

Mr. BRATTON. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4561) for the relief of Sally S. Twilley was announced as next in order.

Mr. HOWELL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4555) to amend certain sections in the Code of Law for the District of Columbia relating to offenses against public policy was announced as next in order.

Mr. JOHNSON. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 105) to authorize the merger of street-railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 191) for the relief of George B. Marx was announced as next in order.

Mr. HOWELL and Mr. KING asked that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 3238) for the relief of Martin E. Riley was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5212) for the relief of George Charles Walther was announced as next in order.

Mr. KING and Mr. HOWELL asked that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ERECTION OF MONUMENT AT HARRODSBURG, KY.

The bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky., was announced as next in order.

Mr. FESS. I ask that that bill go over.

Mr. BARKLEY. Mr. President, it seems that this "going-over business" is getting monotonous. This bill has been on the calendar ever since last June. There is a unanimous report on it from the Committee on the Library. If we are going to get any action in the other body we must get the bill through soon, and I hope that whoever objected to the bill will withdraw his objection and allow the bill to be passed.

Mr. FESS. Mr. President, the Senator from Kentucky knows why I objected to the bill.

Mr. BARKLEY. I know why the Senator objected, but I do not think that is a good reason. [Laughter.]

Mr. FESS. If the Senator will allow it to go over for a day or two, I shall not then object.

Mr. BARKLEY. Very well.

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 4597) to provide educational employees of the public schools of the District of Columbia with leave of absence with part pay for purposes of educational improvement, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 201) consenting that certain States may sue the United States, and providing for trial on the merits in any suit brought hereunder by a State to recover direct taxes alleged to have been illegally collected by the United States during the fiscal years ending June 30, 1866, 1867, 1868, and vesting the right in each State to sue in its own name, was announced as next in order.

Mr. HOWELL. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12056) providing for the waiver of trial by jury in the district courts of the United States was announced as next in order.

Mr. KING and Mr. BRATTON asked that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5659) to authorize the Postmaster General to charge a fee for inquiries made for patrons concerning registered, insured, or collect-on-delivery mail, and for postal money orders, was announced as next in order.

Mr. BLAINE. Over.

The PRESIDENT pro tempore. The bill will be passed over.

ACQUISITION OF LAND IN THE DISTRICT OF COLUMBIA

The bill (S. 5029) to amend the act providing for the acquisition of land in the District of Columbia was announced as next in order.

Mr. KING. Mr. President, the amendment to the bill has been agreed to, as I recall. This is a measure which the Department of Justice is very anxious to have passed in order to go ahead with a number of buildings. I think one item is the acquisition of land for the Supreme Court. The bill has the unanimous approval of the committee.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That section 25 of the act approved March 1, 1929, entitled "An act to provide for the acquisition of land in the District of Columbia for the use of the United States" (U. S. C., title 40, sec. 370; D. C. C., title 25, sec. 109), be, and the same is hereby, amended to read as follows:

"Sec. 25. The repeal, express or implied, of any existing law or the alteration or amendment thereof by virtue of anything in this act contained shall not affect (1) any act done or any right, including the right to appeal, accruing or accrued under the law so repealed, altered, or amended, or (2) any suit or proceeding pending in the Supreme Court of the District of Columbia, or in the Court of Appeals of the District of Columbia, or the Supreme Court of the United States upon writ of error, appeal, certificate, writ of certiorari, or upon application for writ of error, appeal, certificate, or writ of certiorari, at the time of the taking effect of this act; but all suits and proceedings shall be proceeded with and disposed of in the same manner and with the same effect as if this act had not been passed, save and except only that in any condemnation suit or proceeding for the condemnation of land for the use of the United States pending in the Supreme Court of the District of Columbia in which commissioners of appraisal shall not have been appointed by the court at the time of the taking effect of this act, the trial of said condemnation suit or proceeding shall proceed and be conducted from that point forward in accordance with the provisions of this act; and all evidence as to the value of the property to be condemned and taken shall be given before the court and jury as in this act prescribed and the matter shall be proceeded with and disposed of in the same manner and with like effect as if the proceeding had been originally begun and the petition filed and all prior proceedings had under and pursuant to the provisions of this act and after the taking effect of the same: *Provided*, That in any proceeding for acquisition of lands in the name of the United States heretofore commenced in the District of Columbia under any other act, possession and title may be taken by the petitioner in the manner and upon the conditions provided in section 10 of this act, and all the provisions of section 10 and of section 20 of this act respecting suits or supersedeas in case of appeal shall be applicable thereto."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COLVILLE RESERVATION, WASH.

The bill (H. R. 11675) to authorize the issuance of a patent in fee for certain land and buildings within the Colville Reservation, Wash., for public-school use was announced as next in order.

Mr. JOHNSON. What number is that?

Mr. PHIPPS. What number on the calendar is that?

Mr. JONES. Mr. President, I think that bill passed the other night.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry. What calendar number is it?

The PRESIDENT pro tempore. A motion to reconsider was entered by the Senator from Washington [Mr. DILL] to Order of Business 1250, House bill 11675, which has already been passed. Therefore it is not on the calendar. The Chair understands that the Senator from Washington will not press that motion at present.

Mr. JONES. Mr. President, I did not understand what the Chair said with reference to the Colville Reservation matter.

Mr. DILL. I will say to my colleague that that was my motion, and I wanted the bill to lie over for the present.

Mr. JONES. The Senator does not desire to have it disposed of at the present time?

Mr. DILL. Not at the present time.

The PRESIDENT pro tempore. The Senator from Washington refers to Order of Business 1250, on which a motion to reconsider has been entered. His colleague does not desire to press it at present.

Mr. JONES. He desires it to go over.

The PRESIDENT pro tempore. It is not on the calendar, the bill having been passed.

BILL PASSED OVER

The bill (H. R. 7639) to amend an act entitled "An act to authorize payment of six months' death gratuity to dependent relative of officers, enlisted men, or nurses whose death results from wounds or disease not resulting from their own misconduct," approved May 22, 1928, was announced as next in order.

Mr. HALE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

AMENDMENT OF RADIO ACT

Mr. DILL. Mr. President, a few moments ago we passed House bill 11635. In order to expedite it in conference, I move that the Senate insist upon its amendments and ask the House for a conference, and that the Chair be authorized to appoint the conferees.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

The motion was agreed to.

FEE FOR INQUIRIES CONCERNING REGISTERED MAIL, ETC.

Mr. PHIPPS. Mr. President, may I inquire what became of House bill 5659?

The PRESIDENT pro tempore. It went over under objection.

Mr. PHIPPS. I was absent from the Chamber at that moment. I should like to ask unanimous consent to return for a moment to that bill to find if there is any objection. It is a simple measure. It went over once before; and the Senators who raised the question about it, when they understood the purport of the bill, were quite satisfied that it was a proper piece of legislation.

The bill was reported by the Senator from Tennessee [Mr. McKellar]. It merely provides that the department may charge a nominal fee for extra work performed in furnishing patrons with information regarding the delivery of registered and other letters. I ask unanimous consent to return to the bill.

Mr. WHEELER. I call for the regular order.

The PRESIDENT pro tempore. The regular order is demanded.

Mr. PHIPPS. Mr. President, may I ask if there is further objection to the bill, so that I may know who objects?

Mr. WHEELER. I object.

Mr. PHIPPS. Thank you.

FREDERICK RASMUSSEN

The bill (H. R. 4731) for the relief of Frederick Rasmussen was considered, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Frederick Rasmussen, who was a member of the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States

on May 11, 1927: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

BILLS PASSED OVER

The bill (S. 3929) for the relief of James J. Lindsay was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5365) to repeal section 7 of the postal act approved May 29, 1928, was announced as next in order.

The PRESIDENT pro tempore. Let that go over.

WHITE B. MILLER

The Senate proceeded to consider the bill (S. 4105) for the relief of the estate of White B. Miller, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of White B. Miller, former special assistant to the Attorney General, the sum of \$25,000 in full satisfaction of the claim of said estate against the United States for compensation for legal services rendered by the said White B. Miller on behalf of the United States in connection with the tax litigation involved in the Cannon against Bailey cases, a final report of which litigation was rendered by the deceased on March 14, 1929.

Mr. HEFLIN. Mr. President, I realize that under the rules I could occupy the floor for five minutes every time a bill is taken up.

I have no desire to delay Senators who have measures upon the calendar that they wish to have passed. Because I may be mistreated, because efforts may be made to prevent me from getting at the truth regarding an election that was stolen from me in Alabama, I am not going to punish them; but I give notice that on to-morrow I shall undertake to get this measure up and have it disposed of by the Senate.

SEVERAL SENATORS. Regular order!

The PRESIDENT pro tempore. The regular order is demanded.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 5285) to amend the organic act of Porto Rico, approved March 2, 1917, was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5416) to provide for the filling of certain vacancies in the Senate and House of Representatives of Porto Rico was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXTENSION OF ADMIRALTY LAWS TO VIRGIN ISLANDS

The bill (S. 3463) to extend the admiralty laws of the United States of America to the Virgin Islands was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. BINGHAM. Mr. President, the Senator from Tennessee [Mr. McKellar] objected to this bill the other night, but said that he would withdraw his objection if an amendment was made. I understand now from the Navy Department that they have no objection to the amendment. Therefore I offer the amendment, in line 6, page 1, to strike out the words "except where the same is locally inapplicable."

The Senate proceeded to consider the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The Chief Clerk stated the amendment, which was, on page 1, line 6, to strike out "except where the same is locally inapplicable," so as to make the bill read:

Be it enacted, etc., That all cases coming within the admiralty jurisdiction of the district court of the Virgin Islands shall be determined in accordance with the general admiralty law of the United States of America.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 132) extending the provisions of sections 1, 2, 6, and 7 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," to Porto Rico was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 120) authorizing the President to reorganize the administration of the insular possessions was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

ERECTION OF MONUMENT AT HARRODSBURG, KY.

Mr. BARKLEY. Mr. President, my generous friend the Senator from Ohio [Mr. Fess] has agreed to withdraw his objection to Order of Business 1175, Senate bill 4384. I ask that we return to that bill.

The PRESIDENT pro tempore. Is there objection to recurring to the consideration of Senate bill 4384? The Chair hears none.

The bill (S. 4384) to provide for the erection of a suitable monument to the memory of the first permanent settlement of the West at Harrodsburg, Ky., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to erect a suitable monument on the site of the Pioneer Cemetery at Harrodsburg, Ky., commemorating the first permanent settlement west of the Allegheny Mountains, "The Cradle of the Old Northwest," where Gen. George Rogers Clark and his heroic associates at old Fort Harrod planned and inaugurated the campaign carried on by General Clark and his associates in the conquest of the Northwest Territory during the Revolutionary War, as a result of which that vast territory was established as a part of the United States of America.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000 to carry out the provisions of this act.

Sec. 3. That the plan and design of such monument shall be subject to the approval of the National Commission of Fine Arts.

Sec. 4. That the Secretary of War is hereby authorized to enter into an agreement with the State of Kentucky or any subdivision thereof, or any appropriate organization existing therein, for the care of the monument hereby authorized.

BILLS, ETC., PASSED OVER

The bill (S. 5288) to authorize the construction of certain naval vessels, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 14255) to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain was announced as next in order.

Mr. JOHNSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 12063) to amend section 16 of the Federal farm loan act was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. FESS. At the request of the Senator from Iowa [Mr. Brookhart], I will ask that that go over.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (S. 5515) to amend section 29 of the act of August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political

status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," was announced as next in order.

Mr. KING. Let that go over.

Mr. BINGHAM. Mr. President, will the Senator withhold his objection? This bill, which has such an important title, is merely to change the salaries of three officials. There is a letter from Manuel Quezon, president of the Philippine Senate, to the Resident Commissioners at Washington, asking that the bill be passed. The Philippine commissioners have asked that it be passed. The War Department is anxious to have it passed. It merely changes the salaries of the vice governor, the auditor, and the deputy auditor. As far as I know, there is no objection to it on the part of the Filipinos.

Mr. WHEELER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 406) authorizing the special committee on campaign expenditures to impound ballots and ballot boxes was announced as next in order.

Mr. REED. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 5440) to authorize an emergency appropriation for special study of and demonstration work in rural sanitation was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5644) to amend the act entitled "An act to authorize and direct the survey, construction, and maintenance of a memorial highway to connect Mount Vernon, in the State of Virginia, with the Arlington Memorial Bridge across the Potomac River at Washington," approved May 23, 1928, as amended, was announced as next in order.

Mr. HOWELL. Mr. President, there are certain data that I desire beyond those that I now have; and I ask that this bill go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 305) opposing action by the State Department with respect to the flotation of foreign investment loans in the United States and its assumption of certain authority over the Federal Reserve Board and banks was announced as next in order.

Mr. REED. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

REFUND OF ESTATE TAX ERRONEOUSLY COLLECTED

The bill (S. 2977) for the refund of estate tax erroneously collected was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law, but without regard to any statute of limitations, any claim filed not later than six months after the passage of this act, by Eugene du Pont, surviving executor of the will of Amelia E. du Pont, late of Christiana Hundred, New Castle County, Del., deceased, for the refund of estate tax erroneously collected from the estate of said Amelia E. du Pont in 1918.

Sec. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to said Eugene du Pont, surviving executor of the will of the said Amelia E. du Pont, any amount allowed in the determination of any claim filed in accordance with this act.

CRATERS OF THE MOON NATIONAL MONUMENT

The bill (H. R. 15877) to authorize exchanges of land with owners of private-land holdings within the Craters of the Moon National Monument was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States complete title to any or all of the following-described lands held in private ownership within the boundaries

of the Craters of the Moon National Monument, Idaho: Southeast quarter southwest quarter, section 22; northeast quarter northwest quarter, southwest quarter northwest quarter, west half northeast quarter, section 27; northwest quarter northwest quarter, section 26, township 2 north, range 24 east, Boise meridian, Idaho, and in exchange therefor may patent not to exceed an equal value of land to be selected from the following-described tracts of reserved public land, subject to any valid and existing entries under any law: Northwest quarter northwest quarter, section 2; northwest quarter northeast quarter, southeast quarter, northwest quarter southwest quarter, southeast quarter, southwest quarter, section 3; northeast quarter northwest quarter, section 9; northwest quarter, west half northeast quarter, section 10, township 1 north, range 23 east; and south half southwest quarter, west half southeast quarter, southeast quarter southwest quarter, section 26; northeast quarter, east half northwest quarter, south half southeast quarter, northeast quarter southeast quarter, north half southwest quarter, southwest quarter southwest quarter, section 35, township 2 north, range 23 east, Boise meridian, Idaho: *Provided*, That if lands sufficient to equal the value of the lands within the monument offered in exchange are not available within the area herein described, then in addition the Secretary may patent public land in the State of Idaho, surveyed and nonmineral in character, sufficient to equal such value. Before any exchange hereunder is effected notice of the contemplated exchange, reciting the lands selected, shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties where the lands proposed to be selected are located.

Sec. 2. That the value of the lands within said monument offered for exchange and the value of the lands of the United States to be selected therefor shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said monument shall before the exchange is effective furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the United States under this act shall be and remain a part of the Craters of the Moon National Monument.

BILLS PASSED OVER

The bill (S. 5172) for the construction of a reservoir in the little Truckee River, Calif., and for such dams and other improvements as may be necessary to impound the waters of Webber, Independence, and Donner Lakes, and for the further development of the water resources of the Truckee River, was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES. Mr. President, I am very sorry but I feel that I shall have to ask that that bill go over, and also the next bill on the calendar.

Mr. ODDIE. Mr. President—

SEVERAL SENATORS. Regular order!

Mr. ODDIE. I ask the Senator if he will withdraw his objection to that bill. It is a local bill of great importance in the matter of flood control and unemployment.

Mr. JONES. I do not feel that I can withdraw my objection.

Mr. ODDIE. Mr. President, I give notice that when the Senate meets to-morrow I shall move to take up this bill.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

The bill (S. 3467) authorizing the construction of a drainage channel in the closed basin of the San Luis Valley in Colorado, authorizing investigations of reservoir sites, and for other purposes, was announced as next in order.

Mr. JONES rose.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. PHIPPS. May I ask on whose objection that bill went over?

The PRESIDENT pro tempore. The Senator from Washington.

Mr. PHIPPS. I thank the Chair.

RETIREMENT OF CAPTAINS, ETC., OF THE NAVY

The bill (S. 5761) to amend the act approved June 22, 1926, entitled "An act to amend that part of the act approved August 29, 1916, relative to the retirement of captains, commanders, and lieutenant commanders of the line of the Navy," as amended by the act of March 4, 1929, was announced as next in order.

Mr. KING. Let that go over.

Mr. HALE. Mr. President, will the Senator withhold his objection?

This is legislation which has already passed the Senate in another bill, the line personnel bill, the so-called Britten bill, which is now before the House of Representatives; but it is uncertain whether that bill will pass during this session of Congress.

Under the act of August 29, 1916, officers who were not selected for promotion remained in their existing grade until they reached certain ages at which they became ineligible for selection, and were automatically retired. These ages were: Captains, 56; commanders, 50; lieutenant commanders, 45.

This age-in-grade retirement law was temporarily replaced by the act of June 22, 1926, which provided for the retirement of lieutenant commanders, commanders, and captains upon the completion of 21, 28, and 35 years of commissioned service, respectively, if they have not been selected for promotion. This change was made because of the injustice done the older members of the Naval Academy classes. Thus, an officer who, for no other reason than because he entered the academy at a relatively late age, is forced to retire for age in grade before he has reached the top group of his grade and thereby may be considered for selection. It is within the province of the selection board to go down the list and select these men; but unless they have outstanding abilities the board does not do so, and the officer is forced to retire without a fair chance at selection.

The act of June 22, 1926, was made temporary in order that its success might be considered, and also because it was expected that a general personnel bill, containing the provision making permanent this temporary law, would be enacted before the limiting date—March 5, 1931—expired. Such a provision did pass the Senate on April 1, 1930, in S. 550, but has not been acted upon by the House.

This bill simply extends the 5-year period, and makes the law a permanent one. As I have said, we have already passed legislation to correct the situation, and it is now before the House.

I hope the Senator will withdraw his objection.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

LAWRENCE L. MYATT AND MILLER S. BURGIN

The Senate proceeded to consider the bill (S. 5059) to reinstate Lawrence L. Myatt and Miller S. Burgin as midshipmen in the United States Naval Academy, which had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 8, to strike out "next after the class from which they were dismissed" and insert "in June, 1934," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy is authorized and directed, to reinstate, without examination, Lawrence L. Myatt, of Quincy, Mass., and Miller S. Burgin, of Jacksonville, Fla., as midshipmen in the United States Naval Academy, with the grade and rank held by them on July 25, 1930, and to assign them to the class which will graduate in June, 1934, and to permit them to graduate with the rights and privileges of members of such class if they maintain during the period from the date of reinstatement to the date of graduation the standards prescribed for all members of such class.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 5810) to facilitate the use and occupancy of national-forest lands for purposes of residence, recreation, education, industry, and commerce, was announced as next in order.

Mr. McNARY. At the request of the senior Senator from South Dakota [Mr. NORBECK], I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 14) to make the Star-Spangled Banner the national anthem of the United States of America, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5745) to amend the act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine," approved August 2, 1886, as amended, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

CONSTRUCTION OF PUBLIC BUILDINGS

The bill (S. 5757) to amend an act entitled "An act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926 (45 Stat. 630), and acts amendatory thereof, was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

The PRESIDENT pro tempore. That bill should be indefinitely postponed, because a similar House bill has already been passed. Without objection, that order will be entered.

AMERICAN NATIONAL INSTITUTE (PRIX DE PARIS)

The bill (S. 915) to incorporate the American National Institute (Prix de Paris) at Paris, France, was announced as next in order.

Mr. BRATTON. Let that go over.

Mr. BINGHAM. Mr. President, will not the Senator from New Mexico withhold his objection for a moment?

Mr. BRATTON. Yes; I will withhold the objection for a moment.

Mr. KING. Mr. President, I may say to the Senator that I objected to the consideration of that bill the other evening when the Senator from New York sought to have it brought up, and if the Senator from New Mexico should withdraw his objection, I should offer one, for this reason: A number of bills are pending now before the Committee on the Judiciary, and many have been introduced, providing for the issuance of national charters for activities for which the Federal Government has no right to give charters. The Federal Government may charter for Federal purposes, but not for private purposes. We have already in the past given a number of private charters, and some of them have brought discredit upon the United States.

Mr. LA FOLLETTE. I ask for the regular order.

Mr. KING. I deny the right of the Federal Government to issue such charters.

The PRESIDENT pro tempore. The bill will be passed over.

COMMERCE IN CRUDE PETROLEUM

The bill (S. 5818) to regulate commerce between the United States and foreign countries in crude petroleum and all products of petroleum, including fuel oil, and to limit the importation thereof, and for other purposes, was announced as next in order.

Mr. PHIPPS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF UTE INDIANS

The Senate resumed the consideration of the bill (S. 4321) for the relief of the Confederated Bands of Ute Indians, located in Utah, Colorado, and New Mexico.

The PRESIDENT pro tempore. The amendments to this bill have heretofore been agreed to, and the clerk will read the bill as it now comes before the Senate.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$161,400 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Confederated Bands of Ute Indians in full compensation for the surface rights in 64,560 acres of land in western Colorado, taken from the said Indians by the United States and set aside as a naval oil reserve by Executive orders dated December 6, 1916, and September 27, 1924; said sum to be placed on the books of the Treasury Department to the credit of the Confederated Bands of Ute Indians as a trust fund to be added to the trust fund of said Indians created by the act of Congress approved March 4, 1913

(37 Stat. 934), to bear interest at 4 per cent per annum from the dates of said Executive orders, respectively, and to be subject to disposal in accordance with existing law; and the Secretary of the Interior shall have jurisdiction to determine, fix, and pay out of the said sum a reasonable amount for attorneys' fees, not to exceed 10 per cent of the sum accruing to the credit of the Indians hereunder for services rendered, and all necessary and proper expenses, as provided for in two contracts made by respective bands of said Indians with their attorneys, as approved by the Secretary of the Interior and the Commissioner of Indian Affairs.

SEC. 2. The payment authorized by section 1 shall not be construed to include any compensation for any mineral rights in such lands or as a legislative determination of the value of such mineral rights, which are left to be determined thereafter, or of the per acre value of any other lands in which such Indians may have any claim or interest.

Mr. BRATTON. Mr. President, will the Senator from Oregon [Mr. STEIWER], who reported this bill tell us how much land is involved, and at what price per acre the claim is to be settled?

Mr. STEIWER. Mr. President, from memory, I think the amount of land involved is between 63,000 and 64,000 acres. This was land taken in a naval oil reserve by the United States, but land in which these Indians had a beneficial interest.

This bill was introduced to compensate the Indians at the rate of \$10 per acre. It was so introduced by the Senator from Colorado [Mr. PHIPPS]. The Committee on Indian Affairs, at the suggestion of the subcommittee which conducted hearings on the measure, thought that it was unwise to appraise the land at \$10 per acre. The truth of the matter is that we have but very little satisfactory information as to the value of the land. It is oil-shale land, very rich potentially in oil. It may some day be worth millions of dollars.

We are unable properly to appraise the mineral rights, and we decided, therefore, and recommended to the committee, that we make no effort to determine the mineral rights, but that we merely allow payment to the Indians for the surface rights.

Accordingly, the committee amended the bill to provide payment at the rate of \$2.50 per acre, which was thought to be a fairly safe and proper figure with respect to the surface rights, and by the amendment in the bill we leave the determination of the values of the mineral rights for the future, and provide in the bill that they are not covered by this payment.

Mr. BRATTON. May I ask the Senator whether the Indians are satisfied with this settlement?

Mr. STEIWER. The Indians are represented by ex-Senator Butler, who expresses his entire satisfaction with the bill as reported by the committee.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRATION OF TRADE-MARKS

The bill (H. R. 2828) to protect trade-marks used in commerce, to authorize the registration of such trade-marks, and for other purposes, was announced as next in order.

Mr. REED. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CREDIT UNIONS IN THE DISTRICT OF COLUMBIA

The bill (S. 4775) to provide for the incorporation of credit unions within the District of Columbia was announced as next in order.

Mr. BRATTON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over. That completes the call of the calendar.

RECESS

Mr. McNARY. I move that the Senate carry out the unanimous-consent agreement and take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 9 o'clock and 50 minutes p. m.), under the order previously entered, took a recess until to-morrow, Wednesday, February 18, 1931, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 17, 1931

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Heavenly Father, we thank Thee for that Book of Life which points out the paths that lead to peace, happiness, and to a glorious destiny. "Bear ye one another's burdens and so fulfill the law of God"; may we heed the injunction. O God of the nations, take our Republic, with its teeming multitudes, and baptize them with humble devotion to the plain, simple virtues. Arouse them with a passion for the old-time faith which at the beginning made the glory and perpetuity of our country possible. Blessed Lord, take the hearthstones of our land, and may they be dedicated to Christian simplicity and unselfishness. O let the shadow of Calvary's cross fall across everyone. Everywhere sweeten the lives of weary hearts and save them from ugliness of mind and deformity of morals. Infinite Father, inspire us all to remember who we are, what we are, and what we represent, and keep us always under the control of the better angels of our natures. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE SPEAKER AND MRS. LONGWORTH

Mr. GARNER. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, ladies and gentlemen of the House, 25 years ago to-day there happened in the Capital City of this Nation an historic event. The Chief Executive of the Nation, who was then Theodore Roosevelt, gave his daughter Alice in marriage to NICHOLAS LONGWORTH, of Ohio, then, as he is now, a prominent Member of the House of Representatives, thereby doing something that never before was done in the history of this country—uniting the executive and the legislative branches of the Government without doing violence to the Constitution of the United States. [Applause and laughter.]

Mr. Speaker, I merely rose to ask this opportunity to express to you, sir, and your wonderful wife what I am sure is in the heart and mind of every Member of this House, regardless of his political status, the wish that you may have many, many happy returns of the day. [Applause.]

ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday of this week bills on the Private Calendar unobjected to may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MICHENER. Mr. Speaker, reserving the right to object, the Committee on the Judiciary is to have one day under a rule in which to consider certain bills. Can the gentleman tell us which day will be assigned to that committee?

Mr. TILSON. It is my purpose to ask Friday next as a day to be devoted to the consideration of the Private Calendar, and that Saturday be an additional consent and suspension day, because we are much behind on the Consent Calendar. Then Monday would be a free day for the first rule that the Committee on Rules may wish to bring forward, which I understand is the rule for bills from the Committee on the Judiciary.

Mr. MICHENER. Then I give notice that if Monday be the day on which the Committee on the Judiciary is to consider its bills, I shall object to any unanimous consent request for speeches on that day, no matter who may make the request.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, on Saturday last we considered the Private Calendar. Its consideration was nothing more or less than

a complete farce. Practically every bill was objected to by one of six or seven Members, usually for no real reason. The House would have been better off not to have been in session. It was the overwhelming sentiment of the Members present then that this method of procedure should be changed—that it was outrageous that one man could stop the enactment of meritorious legislation after a committee of 21 Members had carefully considered the bill, had written sometimes a lengthy report, and even after the bill had the approval of one of the departments of the Government. To give one man the power to stop the enactment of legislation of that kind just because, as he says, he "happened to glance at the bill last night at his hotel" is a complete farce. It is a travesty. [Applause.] That method of considering the Private Calendar should be changed, and it is not too late in this session to change it to-day. I rose to object unless the gentleman couples with his request a proviso that to defeat a bill at least six objections will be required.

Mr. TILSON. The gentleman's committee is the only committee in this House that can bring in a rule that will change the rules. I can only ask unanimous consent to consider the Private Calendar.

Mr. O'CONNOR of New York. Oh, no; the gentleman is not now proceeding under any rule of the House. He is asking unanimous consent.

Mr. TILSON. Yes; I am asking unanimous consent.

Mr. O'CONNOR of New York. Surely the gentleman is so asking because there is no rule. The gentleman could just as easily and properly couple with his unanimous-consent request a proviso that there must be at least six objectors to a bill in order to prevent its enactment. There is no difficulty about making such a request.

Mr. TILSON. How far would I get with such a request?

Mr. O'CONNOR of New York. Try it. I think the gentleman would have the sentiment of the House behind such a request.

Mr. TILSON. Then let me make the request.

Mr. HASTINGS. Are we to begin the call at the beginning of the calendar?

Mr. TILSON. Oh, no; begin where the last call left off.

Mr. HASTINGS. The gentleman did not embody that in his request.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. KNUTSON. We are trying to get consideration of the Brigham bill before we adjourn. It is of very great importance to the dairy interests of the country. What are we going to do in regard to that important legislation?

Mr. TILSON. When that is brought in under a rule, as it probably will be, we shall make a place for it. I am trying to clear other things out of the way now.

Mr. KNUTSON. What is the gentleman's authority for saying that it will probably be brought in under a rule.

Mr. TILSON. If it is brought in at all, it will have to be brought in under a rule, and I understand that the Rules Committee is considering it.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. TILSON. Yes.

Mr. STAFFORD. Partly in reply to the castigation or criticism of the gentleman from New York [Mr. O'CONNOR], the gentleman will notice, as I stated on the last call of the Private Calendar, that we were then considering for the second time bills on the Private Calendar that had previously been objected to. Naturally, only a few bills would be passed on second consideration, if they were objectionable when first considered under unanimous consent, and that accounts for only a few bills being passed on second call. We have now reached a place where all the private bills that were considered at the last session have been reconsidered. I think it is only fair to the Members of the House who have bills—and there are three or four hundred of them which have not been considered at all—be given an opportunity for the consideration of those bills. If any such proposal is to be made to have six objections, there will be no progress made whatsoever on the bills remaining on the Private Calendar. All numbers below 785, which is the number which

have not had a prior hearing, should be given at least an opportunity to have the bill considered under one objection.

Mr. TILSON. That is what I am trying to do. I am making every effort in this direction.

Mr. BLANTON. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. BLANTON. The gentleman from Connecticut [Mr. TILSON] should hold his ground on the present rule. He knows how important it is, and he knows there are just a few of us here who work on this calendar. We must take the brunt of it all. The gentleman also knows that usually on these consent days only those Members are present who have some bill they desire passed, and they, of course, would hesitate to object to bills of other Members no matter how vicious and unmeritorious such bills might be. There are a few of us who are not afraid to object to the bad bills. So, why not proceed under the regular rules?

Mr. McKEOWN. Will the gentleman yield?

Mr. TILSON. I yield.

Mr. McKEOWN. There are certain men on that side and certain men on this side who are assigned to the Private Calendar. I think if nobody objected except one outside of those men, it would speed things up. The gentleman from Wisconsin gives a great deal of time to this calendar. If we could agree that if these gentlemen make no objection, there should be at least three objections from the outside, that would give us a chance.

Mr. HOOPER. Reserving the right to object, first I would like to say that I am in sympathy with what the gentleman from New York [Mr. O'CONNOR] has said; but I would like to ask the gentleman from Connecticut [Mr. TILSON] if it would be contrary to the rules of the House if, on the day when the Private Calendar is called, there could be unanimous consent for a calling of the calendar and a statement by various Members as to whether or not they desired that bill to be passed, at least, for the time being. Then when the list is made of the bills which have been passed in that way may I ask whether it would then be feasible to read the bills which were not objected to, or passed over in that way, and have them taken up one after the other and acted on rapidly.

Mr. TILSON. Of course, there is nothing in our rules that would authorize the procedure which the gentleman from Michigan [Mr. HOOPER] indicates.

Mr. HOOPER. Could it not be done by unanimous consent?

Mr. O'CONNOR of New York. That is what I suggest. There is no procedure that authorizes the request which the gentleman from Connecticut [Mr. TILSON] has made any more than my request.

Mr. TILSON. Certainly not.

Mr. HOOPER. I am going to contend every time I get the opportunity that the rules should be changed in some way to make more objections necessary upon the Private Calendar, but for the time being the rules can not be changed.

Mr. O'CONNOR of New York. Oh, yes; they can be changed this morning. The House can adopt a rule to-day just as well as in the next Congress.

Mr. TILSON. By unanimous consent.

Mr. O'CONNOR of New York. The gentleman can move if he does not get unanimous consent.

Mr. TILSON. Oh, no, no. I would be called to order if anyone present objected.

Mr. DOWELL. Mr. Speaker, the regular order.

Mr. CHINDBLOM. Mr. Speaker, I desire to submit another phase of the matter.

Mr. DOWELL. Mr. Speaker, the regular order.

Mr. CHINDBLOM. Can this not be changed so as to take up the Consent Calendar on Friday and the Private Calendar on Saturday?

Mr. TILSON. Well, that would only make one more complication. Friday is the regular day for Private Calendar.

Mr. DOWELL. Mr. Speaker, the regular order.

Mr. TILSON. If anyone else wishes to amend the request, he is at liberty to do so. I have made my request, which I hope will be granted. If the gentleman from New

York [Mr. O'CONNOR] wishes to submit his request and the other Members do not object, I shall not object.

The SPEAKER. Will the gentleman from Connecticut again state his request?

Mr. TILSON. Mr. Speaker, I ask unanimous consent that on Friday next it shall be in order to consider unobjected bills on the Private Calendar in the House as in Committee of the Whole House, beginning where the last call left off.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that on Friday next it shall be in order to consider bills unobjected to on the Private Calendar in the House as in Committee of the Whole House, beginning at Calendar No. 785. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, will the Chair recognize me to amend the request?

The SPEAKER. It depends on the amendment.

Mr. O'CONNOR of New York. Instead of the words "unobjected to"—

Mr. DOWELL. Mr. Speaker, I think the request can not be amended. If this request is granted, another request may be made by the gentleman from New York but the gentleman from New York can not amend the request of the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. O'CONNOR of New York. Mr. Speaker, I object.

PERMISSION TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that on to-morrow, after the conclusion of the business on the Speaker's table, the gentleman from Alabama [Mr. STEAGALL] be permitted to address the House for 15 minutes on the subject of relief of land banks.

The SPEAKER. The gentleman from Texas asks unanimous consent that to-morrow, immediately after the reading of the Journal and the disposition of matters on the Speaker's table, the gentleman from Alabama [Mr. STEAGALL] may address the House for 15 minutes. Is there objection?

Mr. TILSON. Mr. Speaker, reserving the right to object, I call the attention of the gentleman from Texas to the fact that it is expected to begin the consideration of the deficiency appropriation bill to-morrow and I should think the gentleman from Alabama might get the first time under general debate.

Mr. STEAGALL. Mr. Speaker, that will be satisfactory to me.

PRIVATE CALENDAR

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that on Friday it shall be in order to consider the Private Calendar, beginning at the point where we left off on Saturday last, and taking up all bills which shall not be objected to by three or more Members.

The SPEAKER. The Chair does not think he should entertain a request which would involve the amendment of a rule of long standing in the House. It would be a very simple thing between now and then for the committee of which the gentleman is a member to bring in a rule along that line. In the meantime the Chair does not feel he should recognize such a request.

Mr. TILSON. Mr. Speaker, I renew my request, and I hope the gentleman from New York will not object, because we wish to get along with the Private Calendar.

Mr. O'CONNOR of New York. Mr. Speaker, again reserving the right to object, the gentleman from Connecticut does not know and no one in this House, so far as I am aware, knows by what authority these objecting heroes are appointed. Most of them, I understand, are self-appointed. They may relish their jobs, but I would not be in their places for \$10,000 a day. I would sooner engage in some more reputable vocation—such as poisoning wells or strewing broken glass on the highways. On both sides of the aisle there seems to be a sort of union among them; they at times pass distress signals to each other. I am not agitated over the fate of any bills I have introduced. On Saturday when I pointed out this intolerable situation I did not have in mind any bills in which I was interested. None

were then being considered. I was condemning the most outrageous and ridiculous performances in this House on consideration of the Private Calendar. The amusing thing is that this union of seven or eight delegates are inspired by brotherly love. This secret fraternity is so strongly united that these heroes on this side of the aisle say, "You tickle me," and the other side says, "O. K. Then I'll tickle you," with the result that if a Member over here has a bill, nobody over there ever objects, and vice versa. Is that the way to pass on important legislation? And, let me say, ladies and gentlemen, that many of these private bills are most important to the persons involved and unimportant to the prestige of Members of this House. It is fundamentally wrong. These self-constituted objectors are not on any committee of this House; they call themselves a "committee," but they are not one of our duly constituted committees. It has developed into a ridiculous, farcical performance every time. Similar objections can be made to the procedure in the consideration of the Consent Calendar. The necessity for three objections on the Consent Calendar does not protect the Members of the House. There is often a "three musketeers" combination in these days, and something ought to be done about it, and right now.

It has been suggested that the Rules Committee can bring in a rule; but with all due respect to the distinguished Speaker, and with all due respect to the majority leader, they both know that I would get very little assistance from the Republican powers that be in endeavoring to get such a rule enacted.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. COCHRAN of Missouri. Is it not a fact—and the gentleman knows it as well as any Member on this floor—that there is not a House bill on the Private Calendar which may be passed Friday that will ever see the light of day in the Senate, so we are only wasting time in having a day on the Private Calendar?

Mr. TILSON. I think the gentleman is very much mistaken in this regard. The Senate can pass these bills even more rapidly than we can when they get going.

Mr. COCHRAN of Missouri. But in the last Congress the Committee on Claims in the Senate and other committees considering private bills agreed two weeks in advance of the closing of the session that they would not take up any more bills.

Mr. TILSON. This should not prevent us from going ahead and doing our duty, getting as many of these bills over there as can be properly considered. This is what I am asking for to-day.

The SPEAKER. The gentleman from Connecticut renews his request that on next Friday it shall be in order to consider bills on the Private Calendar unobjected to, beginning at the place where the call left off on Saturday last. Is there objection?

Mr. O'CONNOR of New York. Mr. Speaker, with the assurance that those bills will probably never become law I withdraw my objection.

The SPEAKER. Is there objection?

There was no objection.

CONSENT CALENDAR

Mr. TILSON. Mr. Speaker, I ask unanimous consent that Saturday of this week may be an additional consent and suspension day.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Saturday of this week be an additional consent day, beginning on the Consent Calendar at the point where the last call left off, and also that it may be in order to suspend the rules. Is there objection?

Mr. GARNER. Mr. Speaker, I take it that probably the larger part of the day will be devoted to the Consent Calendar and that as usual, if suspensions are to be taken up, they will be taken up around 3 o'clock or 3.30 o'clock.

The SPEAKER. That is right.

Mr. BLANTON. Mr. Speaker, reserving the right to object, and I shall not, I presume the Speaker will pursue the course he has heretofore pursued and that he will give

notice of those bills that are to be taken up under suspension of the rules?

The SPEAKER. The Chair will do so. Is there objection?

Mr. McCLINTIC of Oklahoma. Mr. Speaker, reserving the right to object, I would like to ask the Speaker if we could have any prior notice as to what bills are going to be taken up under suspension of the rules?

The SPEAKER. The Chair has never made it a practice to make an official announcement until the morning of the day on which suspensions are in order. Is there objection?

There was no objection.

INDIANS OF THE FORT BERTHOLD INDIAN RESERVATION, N. DAK.

Mr. SINCLAIR. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 226, authorizing the distribution of the judgment rendered by the Court of Claims to the Indians of the Fort Berthold Indian Reservation, N. Dak.

The SPEAKER. The gentleman from North Dakota asks unanimous consent for the present consideration of Senate Joint Resolution 226, which the Clerk will report.

The Clerk read the title of the resolution.

Mr. CRAMTON. Mr. Speaker, reserving the right to object, is this a bill that has been referred to the Committee on Indian Affairs?

Mr. SINCLAIR. A similar bill has been referred to the Committee on Indian Affairs of the House and reported favorably, and an identical bill is now on the calendar.

Mr. CRAMTON. Mr. Speaker, I think if we have a consent day Saturday that ought to take care of the gentleman in the case of a Senate bill.

Mr. SINCLAIR. I feel that this is an emergency matter.

Mr. CRAMTON. As I understand it is a Senate bill.

Mr. DENISON. Mr. Speaker, the gentleman has the right to call the bill up, a similar House bill being on the calendar.

Mr. SINCLAIR. The bill has passed the Senate, and a similar bill has been reported by the House committee; and it seems to me that this is the proper and the easiest way to dispose of it.

Mr. LEAVITT. Will the gentleman yield?

Mr. SINCLAIR. I yield to the gentleman from Montana.

Mr. LEAVITT. I will say to the gentleman that the Committee on Indian Affairs was unanimously in favor of this bill. It merely puts into effect the recommendation made by the Commissioner of Indian Affairs and the Secretary of the Interior as to the handling of funds that have been recovered as a result of an action in the Court of Claims in behalf of these Indians.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEAVITT. I yield.

Mr. STAFFORD. Does not the gentleman think that on Saturday we will be in position to consider the bill in the regular way, rather than taking it up out of order to-day?

Mr. LEAVITT. Of course, it is always in order to bring up such a bill.

Mr. STAFFORD. Mr. Speaker, is this bill on the Union Calendar?

The SPEAKER. The House bill is on the Union Calendar.

Mr. STAFFORD. For the time being I shall object, because it is going to be taken up in due course on Saturday.

Mr. SINCLAIR. Then, Mr. Speaker, I withdraw the request.

CONFERENCE REPORT—DEPARTMENT OF AGRICULTURE APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I present, for printing under the rule, a conference report on the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes.

BRIDGE ACROSS THE OHIO RIVER AT MOUND CITY, ILL.

Mr. DENISON. Mr. Speaker, I call up from the Speaker's table the bill (S. 5887) to extend the times for commencing and completing the construction of a bridge across the Ohio River at Mount City, Ill., a similar House bill having been

reported and being now on the calendar, and ask for its immediate consideration.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River at or near Mound City, Ill., authorized to be built by B. L. Hendrix, G. C. Trammel, and C. S. Miller by the act of Congress approved March 16, 1928, and extended for one year by the act of Congress approved March 2, 1929, and again extended one year by the act of Congress approved May 26, 1930, are hereby further extended one and three years, respectively, from March 2, 1931.

Sec. 2. The right to alter, amend, or appeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE OHIO RIVER BETWEEN OWENSBORO, KY., AND ROCKPORT, IND.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5952) to extend the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind., now on the Speaker's table, a similar House bill being on the calendar, and I ask unanimous consent for its present consideration.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind., authorized to be built by E. T. Franks, his heirs, legal representatives, and assigns, by an act of Congress approved February 26, 1929, heretofore extended by act of Congress approved March 3, 1930, are hereby further extended one and three years, respectively, from February 26, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE COLUMBIA RIVER AT THE DALLES, OREG.

Mr. DENISON. Mr. Speaker, I call up the bill (S. 5921) authorizing Dalles City, a municipal corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near The Dalles, Oreg., and ask unanimous consent for its present consideration.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in order to facilitate interstate commerce, improve the postal service, and provide for military and other purposes, Dalles City, a municipal corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Columbia River at a point suitable to the interests of navigation at or near The Dalles, Oreg., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

Sec. 2. There is hereby conferred upon Dalles City, a municipal corporation, its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

Sec. 3. The said Dalles City, a municipal corporation, its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

Sec. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Oregon, the State of Washington, and public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If

at any time after the expiration of 15 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements.

Sec. 5. If such bridge shall be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

Sec. 6. Dalles City, a municipal corporation, its successors and assigns, shall within 90 days after the completion of such bridge file with the Secretary of War and with the highway departments of the States of Oregon and Washington a sworn, itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of such costs so filed and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dalles City, a municipal corporation, its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

Sec. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Dalles City, a municipal corporation, its successors and assigns; and any corporation to which, or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

Sec. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE CONNECTICUT RIVER AT ERVING, MASS.

Mr. DENISON. Mr. Speaker, there are two very short bridge bills that are in the nature of emergency matters, and the Members interested want them passed. It will only take a few moments, and I therefore ask unanimous consent, first, for the immediate consideration of the bill (H. R. 16561) to authorize the Department of Public Works of the Commonwealth of Massachusetts to construct a bridge across the Connecticut River in the towns of Erving and Gill, Mass., a bill introduced by the gentleman from Massachusetts [Mr. TREADWAY] to build a State bridge in that State. It is represented that there is an emergency existing.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Department of Public Works, Commonwealth of

Massachusetts, to construct, maintain, and operate a free highway bridge and approaches thereto across the Connecticut River, at a point suitable to the interests of navigation, at or near the towns of Erving and Gill, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 8, strike out the words "towns of Erving and Gill," and insert in lieu thereof "town of Erving, Mass.," and amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time and passed.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill granting the consent of Congress to the Department of Public Works of the Commonwealth of Massachusetts to construct, maintain, and operate a free highway bridge across the Connecticut River at or near Erving, Mass."

BRIDGE ACROSS THE MISSOURI RIVER AT OMAHA, NEBR.

Mr. DENISON. Mr. Speaker, the other bill is Senate 4799, to extend the times for commencing and completing the construction of bridges across the Missouri River at or near Farnam Street, Omaha, Nebr., and at or near South Omaha, Nebr., in which the gentleman from Nebraska [Mr. HOWARD] is interested, and is another emergency case. I therefore ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction (a) of the bridge across the Missouri River at or near Farnam Street, Omaha, Nebr., authorized to be built by the Omaha-Council Bluffs Missouri River Bridge Board of Trustees by section 3 of the act of Congress approved June 10, 1930, and (b) of the bridge across the Missouri River at or near South Omaha, Nebr., authorized to be built by Charles B. Morearty, his heirs, legal representatives, and assigns, by section 4 of such act of June 10, 1930, are hereby extended in each case one and three years, respectively, from June 10, 1931.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEAVE TO FILE MINORITY VIEWS

Mr. LAGUARDIA. Mr. Speaker, by direction of the chairman of the Judiciary Committee and at the request of other members of the committee, I ask unanimous consent that the Members of the Judiciary Committee may have until next Saturday at midnight to file minority views on Resolution 356 providing for the consideration of House Joint Resolution 292, proposing an amendment to the Constitution of the United States.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

RESERVING CERTAIN LANDS FOR THE PAPAGO INDIANS

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2231 and agree to the Senate amendment to the House amendment.

The SPEAKER. The Clerk will report the bill and the Senate amendment.

The Clerk read the title to the bill (S. 2231) to reserve certain lands on the public domain in Arizona for the use and benefit of the Papago Indians, and for other purposes.

The Clerk also read the Senate amendment to the House amendment, as follows:

The Senate agrees to the amendment No. 3 of said bill with an amendment, as follows: At the end of said amendment add the following: "Together with the \$9,500 authorized to be appropriated to purchase land for an addition to the Papago Indian Reservation, Ariz., by the act of June 28, 1926 (44 Stat. 775)."

The Senate amendment to the House amendment was agreed to.

LEAVE TO ADDRESS THE HOUSE

Mr. GARNER. Mr. Speaker, I ask unanimous consent that at the close of the address of the gentleman from Tennessee [Mr. REECE] the gentleman from South Carolina [Mr. McSWAIN] may have 50 minutes to address the House.

Mr. TILSON. Mr. Speaker, I hope the consent asked will be given as that was the understanding the other day when the time was granted to the gentleman from Tennessee [Mr. REECE].

Mr. LAGUARDIA. Reserving the right to object, I want to know if this question of the special committee report is to be ventilated and aired to-day on the floor of the House, and if some of us opposed to these views are to have an opportunity to present our side of the case. I want to serve notice now that when any Member asks for time to present his views, for the remainder of the session I shall ask for an equal amount of time to follow him.

Mr. TILSON. Is the gentleman ready to-day? If so, I have no doubt he will get time.

Mr. LAGUARDIA. Mr. Speaker, I would like to follow my colleague from New York [Mr. FISH].

Mr. SNELL. Mr. Speaker, I want to say that I shall not object to-day, but if any other requests come after to-day for 15 minutes or an hour I am going to object until we get some of these important measures that Members have requested the Rules Committee to present to the House out of the way.

Mr. GARNER. May I state to the gentleman from Connecticut, as well as to the gentleman from New York, that I have been advised that Judge HALL, of Mississippi, will not be able to occupy the hour that was granted to him the other day. So that hour will be at the disposition of the House.

Mr. SNELL. I am not going to object to the use of to-day for speeches, but from now on I am going to object until we get the business of the House out of the way.

Mr. BACHMANN. As I understand the situation, Mr. Speaker, as soon as the gentleman from South Carolina [Mr. McSWAIN] finishes his address I will be permitted to address the House?

The SPEAKER. Yes; the Chair will recognize the gentleman.

Mr. LAGUARDIA. Mr. Speaker, I ask unanimous consent that following the gentleman from West Virginia I may have an hour.

The SPEAKER. The gentleman from Ohio [Mr. CHALMERS] has 15 minutes following the gentleman from West Virginia. The gentleman from New York asks unanimous consent that at the close of the address of the gentleman from Ohio [Mr. CHALMERS] he may have one hour. Is there objection?

There was no objection.

PILLAGER BANDS OF CHIPPEWA INDIANS

Mr. LEAVITT. Mr. Speaker, I call up the conference report upon the bill (S. 4051), authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Montana calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the conferees.

The report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 3, and agree to the same.

SCOTT LEAVITT,
W. H. SPROUL,
JOHN M. EVANS,
Managers on the part of the House.

LYNN J. FRAZIER,
THOS. D. SCHALL,
HENRY F. ASHURST,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4051) authorizing the Pillager Bands of Chippewa Indians, residing in the State of Minnesota, to submit claims to the Court of Claims, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

The House made three amendments to this bill, the first inserting the language which has become standard in jurisdictional bills allowing the United States to plead and be given credit for all sums including gratuities, paid to or expended for the benefit of the Indians; the second, to reduce the maximum of attorneys' fees from 10 per cent to 5 per cent; and the third having to do with the disposition of the funds which might be recovered.

The Senate agrees to the first and third amendments of the House. The House recedes from its second amendment, restoring the 10 per cent maximum limitation on attorneys' fees. The 10 per cent maximum is that which has usually been inserted in bills of this kind and the grounds upon which the change was proposed in the House committee were withdrawn upon further study by the Member making the suggestion.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

MUSCLE SHOALS

The SPEAKER. Under the order of the House, the Chair recognizes the gentleman from Tennessee [Mr. REECE] for 50 minutes.

Mr. REECE. Mr. Speaker, as a member of the conference committee on Muscle Shoals legislation, endeavoring to represent the views of the House, and as a member of your Military Committee, who has been actively interested in every practical movement looking to any possible legislation upon this subject, I take this opportunity to explain the earnest efforts the House conferees have made to find common ground with conferees on the part of the Senate upon which we could stand without completely surrendering the position of the House.

The session is drawing to a close, and this matter of such vital concern to the economic welfare of the South and of such moment as expressing a fundamental policy of our Federal Government in its onward look to a happy and prosperous people living under the guiding principles of the American Constitution, still languishes in conference, apparently for no good reason. It is being suffocated in clouds of confusion and mists of deceptive propaganda rising from the forum of the Senate as a smoke screen under which poisoned arrows are hurled at House conferees, who have taken every initiative for a solution. Those who at the most opportune time in its history for passage are smothering this legislation, so important to many House Members, are doing so at the sacrifice of the tremendous benefits which a successful operation of this project at this particular time would mean to the people of the South, who, in their distress, are appealing to the Nation for help. Is it consistent for those who profess to be the emancipators of the people to undertake in disguise to block all legislation on the subject and to wear out the patience of Congress and the distressed people of the fair Southland until an obnox-

ious political experiment in sovietism may be foisted upon them in their anxiety for relief?

Is it not a sad commentary upon both the intelligence and the patriotism of the conferees, now having the entire situation in their hands at the point of enactment after years of investigation and study, if this God-given natural resource and great potential asset to the South and the Government must continue to go to waste, while the toilers of the soil, the army of unemployed, and the shattered business enterprises of hosts of citizens in the adjacent States continue to be deprived of its benefits in the hour of need? I do not blame the responsible parties for seeking cover in a "Sermon on the Mount," in a deluge of "Power Trust" propaganda, in a "Trojan horse," in imaginary "chemical industries" which they fear may develop around Muscle Shoals for the good of the South, in the mirage of "Federal operation," or for staging any sort of magical performance to escape responsibility.

So, with the session drawing to a close and the situation of real interest to many Members of Congress being what it is, I deem it fitting and eminently proper that the matter should be discussed with candor and the situation clarified, so far as possible, to the end of hastening constructive legislation upon the subject.

I shall discuss the issues between the Senate and the House conferees as they existed, first, prior to compromise proposals on part of House conferees; second, in the compromise proposals themselves; and, third, after the compromise proposals were advanced. The situation has developed to where the issues, as well as the extent of agreement and differences, are clear to the conferees. I hope to make them clear to the House.

REAL ISSUE BETWEEN SENATE AND HOUSE

Getting to the fundamental question embodied in the original Senate and House bills, the real issue between the Senate on the one side and the House on the other is whether the Congress will abandon the nitrate plants for the useful purposes of national defense and as a needed aid to agriculture—the primary objectives of their construction at a cost of \$85,000,000 of the taxpayers' money—and leave them to stand idle and to deteriorate while a group of political appointees on the pay roll of a Federal-owned corporation operates the water-power facilities built at a cost of \$50,000,000 of the taxpayers' money, and adds thereto a system of transmission lines, all as an experiment of the Federal Government in the power-distribution business.

That is the real issue between the House and the Senate as it was sent into the conference for decision before any compromises were proposed.

On one hand, the Senate bill would limit the use of two large nitrate plants, each equipped with every facility for an industrial center, capable of housing a thousand employees, solely to experimental production of fertilizer and the manufacture of fixed nitrogen in indefinite amounts by a Federal corporation. Not only so, but it would build expensive transmission lines and sell off the power so that the nitrate plants could never be operated for fertilizer production. If the Senate bill should ever become a law, it would scrap these two large industrial nitrate plants, the only plants of the kind owned by the United States Government, and divert the power into a distribution system.

On the other hand, the House, following the report of its Committee on Military Affairs, substituted a measure that would permit the President to lease both the power and the nitrate plants on stipulated conditions assuring continuous operation as a privately conducted enterprise in the manufacture of those chemical products for which they are especially adapted, valuable and essential both as plant food in fertilizer and for powder and other munitions of war. The kind of operation authorized and directed by the House would not betray the promise to agriculture nor fail in the purpose to safeguard and strengthen our ability to prosecute war. It is the conviction of those of us who have followed this question closely for 10 years, that a peace-time use of the plants for producing essential munitions of war, the production of nitrates for use in fertilizer and similar

products would preserve and maintain their capacity as war machines in up-to-date operating condition. Your military committee, which has considered this question from every angle for 15 years, has adhered to the view that the original plan and purpose shall not be abandoned, and the House has heretofore approved their conclusions and recommendations.

THE QUESTION AS PLACED INTO CONFERENCE

Therefore, the question placed before the conference was, Will the House depart from the original purpose, reverse itself and accept instead the proposal of the Senate that the Government shall engage in limited experimentation in fertilizer production as the only aid to agriculture and, with the power plants developed for supplying the necessary motive force for large scale operation of the nitrate plants, embark upon an excursion into a new field, that of setting up the Federal Government as a power merchant on the plan of sovietism?

The question is not only one of principle, but also is one of tremendous and immediate concern to the economic welfare and progress of the South in particular, as well as of the Nation. Private investments amounting to hundreds of millions, and the onward progress of potentially the greatest industrial valley in the world are waiting upon the settlement of this question.

In principle, it involves no less a fundamental question of Government than this: Are the investments of private citizens, made according to law and working under the law to supply public needs, and the sacred rights of sovereign States to be protected in behalf of the public welfare, or are these time-honored constitutional rights of American citizens to be destroyed by quack legislation here in Washington and to be trodden under foot by the Federal Government itself entering private business in competition with its own citizens without being governed by the same principles of investment and business financing which it requires of its citizens? Such a departure is unfair, fundamentally unsound, and would lead to disaster.

Let us see now the degree of candor with which the House conferees approached a solution of the questions through their far-reaching compromise proposals.

FAR-REACHING PROPOSALS BY HOUSE CONFEREES

Members of the House should know and understand the extent to which the House conferees have been willing to go with representatives of the Senate in an effort to adjust differences between the two legislative bodies and thereby dispose of a vexatious problem that has been on the lap of Congress for more than 10 years. Certain compromise suggestions proposed by House conferees were reduced to writing and submitted in the form of a bill in response to the request of Senate conferees, copy of which appears at page 889 of the CONGRESSIONAL RECORD of December 16, 1930, in connection with a statement I then made in order to advise the House of the progress of negotiations in conference looking to an agreement with the Senate.

These compromise suggestions on part of the House conferees, repeatedly proposed in various forms since that time, embodied three principles:

First. That the Government lease the nitrate plants for quantity production of fertilizer, fertilizer ingredients, and other chemical and electrochemical products needed for munitions of war, as contemplated in the national defense act, under the provisions and limitations of House bill, with priority rights for all electric energy needed for such operations at price and terms deemed fair and just by the President and board.

Second. That the Government itself keep possession of and operate the power-generating facilities and sell the surplus power at the switchboard under the provisions and limitations of Senate bill, giving preference to municipalities and States, but not be authorized to construct transmission lines until the amount of surplus power, if any, and the economic necessity for such expenditure on part of the Government might be determined, for it is not contemplated that they will ever be needed.

Third. That the Government construct Cove Creek storage dam.

To anyone who will read this compromise proposal on the part of House conferees it is clear that it adopts the House plan for leasing the nitrate plants with guaranties of quantity production of fertilizer up to the full capacity of the plants and the market demands at a limited profit, together with all the provisions of the Senate bill for experimentation in the manufacture and use of new forms of fertilizer, and with operations sufficiently broad to insure a continuous and increasingly successful operation of the nitrate plants primarily for fertilizer production. It contemplates the need of all the power in the fertilizer and kindred chemical operations at the plants and, therefore, impresses it with priority use for that purpose, as originally planned in the construction of the whole project as a self-contained unit. The lease provision contains every necessary limitation consistent with an economic operation of the plants like that carried on in any other successful fertilizer operation and every safeguard of the public interest.

It adopts the Senate plan for Government operation of the power-generating facilities with the Senate limitations and preferences governing the sale of all surplus power, thus giving every safeguard to the public interest in the sale and use of any possible surplus power beyond that needed by nitrate plants.

It offers Government construction of the Cove Creek Storage Dam on the Clinch River in Tennessee because of the public benefit it would render by increasing the value of the water-power plant at Muscle Shoals and at other points along the Tennessee River, by providing flood control, and by increasing the capacity of the Tennessee River as a navigable highway of commerce across four States, linking it to the Ohio and the Mississippi Rivers as a part of a great national asset.

Taking the author of the Senate bill at his word as expressed on the floor of the Senate last spring and in the public press, to the effect that he realized that all legislation is the result of compromise and that he would be agreeable to a compromise including the House plan governing lease of the nitrate plants and the Senate plan governing operation of the power plants and the sale and use of surplus power, the House conferees, after consultation with associates on the Military Committee and several other Members of the House, proposed this compromise to the Senate conferees.

We believe that it was an eminently fair and just proposal to anyone in a legislative frame of mind and that it would have passed both the House and Senate if given a chance, and probably would have met with Executive approval under the circumstances which may never again be duplicated. I felt that the President was inclined to go a long way with the House conferees in meeting the Senate conferees upon any fair basis in the interest of the public and the Nation in an hour of distress when cooperation in constructive action is paramount in the heart and mind of a great patriot and statesman like the one whom the country is now fortunate to have occupy the White House in a crisis.

However, the author of the Senate bill raised two objections: One was that the proposed lease permitted too much latitude in the manufacture of incidental products in connection with the fertilizer operations at the nitrate plants. The other was that the immediate construction of transmission lines by the Government was not made mandatory in the compromise. So the proposal was brushed aside and apparently received no consideration. A counter leasing gesture as an amendment to his own bill was made which obviously could not interest a lessee nor result in any type of operation of the nitrate plants.

PROPOSAL OF MAJORITY HOUSE CONFEREES FEBRUARY 13

Upon the floor of the Senate, January 27 and 28, the author of the Senate bill and his colleague on the conference from South Carolina indicated very clearly that they were anxious to accept any leasing provision on the part of House conferees which would provide that the nitrate plants be

used exclusively for manufacture of fertilizer and fertilizer ingredients with any amount of power needed for that purpose.

Some of us did not have the faith to make another trial, but a majority of our conferees, through my colleague on the conference from Texas, offered a leasing amendment to the Norris bill which was further than some of us could go. This proposal, presented last Friday, offers to exclude all the incidental products which usually accompany any large-scale fertilizer operation and for which the Muscle Shoals properties are so well adapted, and to limit the operations at the nitrate plants exclusively to fertilizer and fertilizer ingredients. The proposal was very strictly drawn by some of the House conferees who wished to meet fully the expressed views of the Senate conferees. These House conferees were extremely anxious to get a conference report and dispose of the matter. It required 85 per cent of all the power used to go into fertilizer and fertilizer ingredients exclusively and permitted only 15 per cent to go into processing surplus ingredients for market. But the Senate conferees refused to accept it and reverted to their own leasing proviso which had been acknowledged long ago to be a mere gesture.

The author of the Senate bill objected on the ground that the proposal would permit the lessee, when the market demands for fertilizer and fertilizer ingredients are satisfied and, otherwise, he would have to shut down through the off-seasons or the dull years, to go on manufacturing fertilizer ingredients with his own power which he had already bought and paid for. He objected even though the lessee was permitted to use only 15 per cent of that power for processing these surplus ingredients for any available market until the fertilizer market again opens. He insisted that the leasing provision must contain a limitation whereby the lessee is prohibited by law from processing or selling a fertilizer ingredient except as fertilizer or to be used in fertilizer and, therefore, is required to shut down the huge plants during the off-seasons or when the fertilizer market is glutted, and let the plants and his millions invested in equipment stand idle and his power go to waste.

Such an attitude is taken on the part of the author of the Senate bill under the pretext that he is protecting the public interest by insisting upon operations for fertilizer production only and by not letting any of the power be used in any of the kindred chemical operations. The fact is that he is preventing any possible operation of the plants for fertilizer production under any arrangement, for purposes of his own. He obscures his object by branding anyone who really wishes to make provision for a successful fertilizer and kindred chemical operation, even with the least possible latitude, as a tool of the Power Trust seeking by some "joker" to steal the power and give it to the power companies or by some "loophole" to let the lessee escape his fertilizer obligations, however strict the fertilizer obligation may be.

The object of such a ridiculous attitude is to render an agreement in conference impossible. If an agreement should be reached on his basis, it would defeat the prospect of any lease or the operation of nitrate plants for production of fertilizer in quantity by anyone, and thus his object to hold back the power for distribution over the contemplated Federal-built transmission lines would be accomplished. So the contention in conference about breadth of the leasing provision is only an indirect way of backing out of the agreement to lease the nitrate plants for fertilizer production and of insisting upon the unmodified Norris bill with all its absurdities.

Even though it is the Norris bill or nothing, the author will not consent to a formal disagreement and let his bill come out to be voted on again without first clothing it with an ineffectual leasing proviso to hide its ugly nakedness. For some reason, he tries to keep the issue obscured.

It reminds me of the well-trained pet fox which Gov. Alf A. Taylor and his boys of east Tennessee mountain fame used to keep securely protected for another race. Having let it run many skillful races and furnish much fun, he is now saving it for another race.

THE ISSUE AFTER THE CONFERENCE

While the issue in the conferences has seemed to be the breadth of the leasing provision, it has finally proved to be "no leasing" on part of Senate conferees versus "any possible leasing" on part of a majority of House conferees. The conferences have served no purpose except to define the attitude and object of Senate conferees and the extreme distance which the House conferees have been willing to go to meet the representatives from the Senate. But the Senate conferees would not come out and meet us at any point. Some of the House conferees were in favor of surrendering the position of the House completely in their anxiety for action. But I did not share that extreme view. I feel that the Senate conferees have some obligation in the matter as well as the House conferees and that the responsibility now is with them.

We have done our duty and perhaps have gone too far in our fruitless efforts to compromise. I am inclined to feel that we should revert to the original House position as the proper solution which was so tersely expressed by ex-President Calvin Coolidge, a close student of the situation, when he said:

* * * For the United States to go into the electrical business would be a gross misuse of its powers and involve it in all kinds of political abuses. The thing to do with Muscle Shoals is to dispose of it to private interests, with suitable restrictions.

The view expressed by Mr. Coolidge is likewise held by the United States Chamber of Commerce, after an investigation and study of the situation.

So the issue after the conferences is substantially the same as it was before; that is, "Private leasing of the nitrate plants primarily for fertilizer production with priority rights to power for that purpose" versus "A Federal power-distribution system with Federal-built transmission lines." Let me discuss a little further some of the aspects of this fundamental issue which has been more clearly defined as a result of our conferences.

TRANSMISSION LINES

Any board set up at Muscle Shoals should not use public funds with which to build power-transmission lines to transmit power away from the plants and thereby defeat their successful operation, in the absence of specific approval of Congress, unless and until the public need for transmission lines has been established and Congress has approved and authorized the necessary appropriation for same. For the Congress to grant authority and to appropriate unlimited millions from the Public Treasury for such adventure without investigation or determination of economic necessity of same is entirely unprecedented in the history of our Government. It would be a dangerous precedent to set, regardless of the danger in the adventure itself, as well as a defeat of the fertilizer project.

We believe, and it must be admitted by those who have given any thought to the question, that if the Congress succeeds in establishing a successful plan for fertilizer production at Muscle Shoals, such as is contemplated in the House bill and such as the American farmer has been assured repeatedly would be done, that the amount of surplus power available for sale to the public will be small and, therefore, that transmission lines would not be needed. If, however, it should develop after two or three years' operation that transmission lines are necessary in order to protect the interests of the Government and of the public in the disposition of surplus power either because of inability to market it to local municipalities over lines they themselves might build to the plants or failure to secure a reasonable price from private companies and to prevent waste of a valuable by-product, Congress may authorize the construction of transmission lines at any time in the future after having ascertained the economic public need therefor.

POWER PLANTS AND NITRATE PLANTS ESSENTIAL TO EACH OTHER

Members of the House should remember that the Wilson Dam power plant was built as a necessary and essential adjunct for supplying electric energy with which to operate the nitrate plants to the end that the United States would have

a self-contained manufacturing plant and that no one ever contemplated the generation of power to be distributed and sold or transmitted to other sections for public consumption.

Moreover, if the sort of operations are permitted in the nitrate plants that naturally belong with any complete and successful fertilizer operation, the most advantageous market from the standpoint of the Government is created at the plants, without expense of transmission, for practically all, if not all the electric energy, both primary and secondary.

ONE OF TWO ALTERNATIVES—SENATE PERMITS NO MIDDLE GROUND

The Congress is faced with the necessity of deciding upon one of two alternatives in enacting legislation that will dispose of the Muscle Shoals question—one, the plan proposed by the Senator from Nebraska, and the other proposed by the House conferees. Without betraying a sacred trust and sacrificing all business principles, the power at Muscle Shoals can not be diverted from that of supplying the necessary energy for operation of the nitrate plants to that of supplying a Federal power-distribution system with transmission lines taking it to different sections of the country surrounding Muscle Shoals.

Congress must follow the leadership of the author of the Senate bill on this question whose admitted purpose is to set up a Federal-owned power system in a local section of the United States at any cost without regard to need, or, on the other hand, it must reaffirm its original purpose to dedicate an investment of \$150,000,000 of public funds to promoting our national safety in time of war and serving the American farmer in time of peace.

FEDERAL POWER SYSTEM CONFLICTS WITH INTEREST OF SOUTH

What is the situation in those sections of Alabama, Mississippi, and Tennessee where the Senator from Nebraska would inaugurate an experimental policy which he proposes to extend to other sections of the country—that of the Federal Government generating and selling power to the public in competition with private citizens and sovereign States? It is predominantly an agricultural section of small farm owners in which there are no industrial centers nearer than Birmingham, Chattanooga, Nashville, and Memphis, from 100 to 150 miles distant.

The people in this area have not been before Congress either in person or by petition claiming they are destitute of needed supplies of electricity nor have the people of the towns and villages in this area appealed for relief because of any inability upon the part of their local governments to prevent excessive prices for electric service being rendered by existing private agencies.

On the contrary, Congress finds it necessary to appropriate millions of dollars to provide feed and fertilizer and other bare necessities of life in order to relieve destitute farmers and to tide them over until after the harvest of another crop. Whatever may be the desire of the Senator from Nebraska to put the Government into the power-distribution business and whatever may be the reasons which actuate him as author of this Federal-operation scheme, Congress should not yet abandon the original purpose and fail to make a bona fide effort to accomplish something at Muscle Shoals in behalf of agriculture along sound and constructive business lines.

BOTH PARTIES PLEDGED TO AGRICULTURE AND NATIONAL DEFENSE

This is not a partisan or a political question. Both the Democratic and Republican platforms have committed these two great parties to the dedication of Muscle Shoals to agriculture and national defense as contemplated in the national defense act.

HOUSE PLAN NOT A SUBSIDY

The legislation is not subject to the criticism that it proposes to subsidize a chemical industry. The President makes the contract and is permitted to exercise business discretion having regard to the obligation of the lessee to maintain the plants in condition for immediate taking over by the United States when the national safety may demand and to aid and cooperate in introducing and developing improved types of fertilizer. He is not directed nor is it intended to confer

upon any lessee special concessions such as would amount to a subsidy either in the amount of rental paid or the price charged for power.

In fact, it is only good business to permit an operation sufficiently broad to furnish a satisfactory market at the plants for the electric current and, at the same time, to result in fulfillment of the pledge to agriculture and to national defense.

Competition in the execution of a lease is expected to develop and in no way does the bill expressly or impliedly authorize the President on behalf of the United States to donate anything of value or to waive a reasonable return from the use of the facilities leased in view of the general public good to be accomplished.

PLEDGE TO NATIONAL DEFENSE PARAMOUNT

The primary object of this whole project was national defense.

At the close of the war the original expenditure of \$20,000,000 had increased to nearly \$85,000,000 on two nitrate plants and a partially completed water-power plant. While efforts were immediately made to direct the manner of their peace-time use and has continued without success for 12 years, Congress felt justified in making further expenditures of \$50,000,000 to complete the power plant on the assumption that Muscle Shoals would be maintained as an agency for successfully prosecuting war and in the meantime operated in aid of agriculture. Under the House plan, the President is authorized to negotiate the best contract he is able to secure for operation of the plants for the purposes that brought about their construction.

TRANSMISSION LINES DEFEAT PURPOSE OF PROJECT

According to a recent report by the Secretary of War to the Senate (S. Doc. No. 222, 71st Cong., 3d sess.) the total available firm or primary power at Wilson Dam is only 66,000 kilowatts or about 88,000 horsepower. He reports that while the installed generating capacity is 184,000 kilowatts, about 245,000 horsepower, that the average flow of the river is such that for about one-third of the time the power supply is only 88,000 horsepower.

Any character of operation at the nitrate plants commensurate with their capacity for production of chemical fertilizer ingredients or munitions of war will require practically all of the available energy and thus would leave nothing for a power distribution and transmission system proposed by the Senator from Nebraska.

Whatever may be the motive of those who would settle the Muscle Shoals problem in the manner proposed by the Senate bill, the House and the country should understand that the inevitable result would be to sacrifice the hope and expectation that the plants would ever function in a manner to be of real service to the farmer or to national defense.

It is the confident expectation of those who advocate Government operation of a power-distribution system at Muscle Shoals that once the power is contracted to a community of citizens such as a municipality or to industry anywhere within that locality that any future effort by Congress to withdraw it for operating the nitrate plants would not succeed, and in that expectation they are right. If the Congress by a legislative decree does not impress the power with a priority use for nitrate-plant operation, but permits it to flow out to the public for general distribution, only in an extreme emergency such as war will it be able to recover it for use as the motive force for nitrate-plant operation.

A dependable supply of electric energy, whether for fertilizer manufacture or for national defense, must be continuously available, the same as it must be continuously available if used to supply industry or a municipally owned distribution system. Muscle Shoals power, therefore, can not be made a dependable source for general use, and at the same time continue available even for intermittent operations of any character that the Congress might authorize at the nitrate plants.

Therefore, in the very nature of the situation, the Congress must elect to follow one of two courses before it—carry out the original plan for national defense and fertilizer, that

brought about the creation of Muscle Shoals, or put the Federal Government into the power-distribution business.

NO MARKET FOR FEDERAL POWER AFTER TRANSMISSION

The territory surrounding the plants in Alabama, Tennessee, and Mississippi is already supplied with power transmission and distribution lines. If all the commercially usable power that can economically be generated and distributed from these plants should be transmitted to Birmingham, Chattanooga, Memphis, or Nashville, it would be insufficient to supply present power demands of either one of these cities, to say nothing of the demands of the others or intermediate towns and communities and of increased power demands in these towns and cities due to future growth, even though the Cove Creek Dam Reservoir should have the effect of doubling the power output at Muscle Shoals.

None of these communities would give up their dependable and adequate supply of power for an inadequate supply subject to political vicissitudes, political waste, and to recall for national-defense purposes in an emergency.

FEDERAL OPERATION RESTS ON UNSOUND BUSINESS BASIS

If Members of Congress were directors of a private corporation which owned Muscle Shoals, they would not hesitate to reject a suggestion that the plants be operated as it is proposed that they be operated by a Federal corporation under the terms of the Senate bill. It is under no obligation to earn a return on its paid-in capital stock of \$10,000,000 or on the investment in properties devoted to business enterprises. It is not required to set aside out of earnings any sum for depreciation, replacements, or obsolescence. It is not even directed to conserve its working capital or to earn any profit whatever on properties or funds employed in business. Should an officer of a private corporation be any more careful and prudent in handling the funds of its stockholders than Members of Congress in handling the funds of American citizens and taxpayers? If the Federal Government is to enter the arena of private business in competition with its own private citizens, it should be honest enough to enter upon the same business basis required of the private citizens in their operations.

ARRESTED DEVELOPMENT—TENNESSEE VALLEY

Congress at least should be consistent. During the same session that the Senate adopted a bill to create a Federal corporation to operate Muscle Shoals with authority to its officers to use funds obtained from the sale of power or from appropriations made by Congress to build transmission lines in any direction, it extended an invitation to private companies as licensees of the Federal Power Commission to cooperate in developing other power sites along the Tennessee River, both above and below the Muscle Shoals plants, and build high dams, both for power and navigation, instead of low dams for navigation improvement alone, with a view to the completion of a comprehensive scheme which Congress has approved for a 9-foot navigation project extending from Knoxville to the Ohio River.

It is the history of political business enterprises in any field of commercial endeavor that it arrests private development and retards progress. Muscle Shoals is no exception.

The Federal water power act is more than 10 years old, and while the State of Tennessee possesses perhaps more extensive and more attractive undeveloped water-power resources than any other Southern State, yet not one hydroelectric plant has been built within the State since the passage of the Federal water power act. At the instance of Members of Congress and its committees, applications for permits to develop power along the Tennessee River and its tributaries have been held in abeyance while we have wrangled over Muscle Shoals on the speculative assumption that its disposition might possibly involve the development by the United States of other sites along the Tennessee and its tributaries, though some of them are more than 300 miles distant from Muscle Shoals and in a different State. During this period of waiting, power development in adjoining States has kept pace with large industrial expansion in the South within the last 10 years, which has justified the construction of a number of plants comparable

in size and in power output with the Wilson Dam plant at Muscle Shoals.

VOICE OF SOUTHERN LEADERSHIP LACKING

For some unaccountable reason there has been lacking the voice of southern leadership in this matter, which if approached and determined in the light of sound business principles would contribute more than any other one thing in which the Government is concerned, to the welfare and prosperity of the people of the South. The few who have dared to lift their voices in the interest of a settlement of the matter upon sound business principles have been intimidated and harassed by a flood of false propaganda from Federal operationists from outside their districts so as to make it appear that sentiment is in favor of the soviet theory of Federal operation. With such dangerous and ingenious propagandists trailing the footsteps of southern Representatives, monopolizing the front pages of foreign-owned local newspapers with blood-curdling propaganda about selling out to power trusts, it is no wonder that so few voices from the South have been lifted in defense of southern principles and southern convictions in the determination of a business project that so vitally affects the welfare of the South and Nation. Regardless of the cost, I am glad to have lifted my voice and to have contributed my efforts in behalf of a fundamental principle of American Government and of an honest business-like settlement of an economic question.

EXAMPLE OF PROPAGANDA FIRST TENNESSEE DISTRICT

Last spring while I was resisting the Federal-operation lobbyists here in Washington and trying to help work out a sound compromise solution of this problem with the author of the Senate bill, an advocate of the Norris idea of Federal operation left his seat in the Senate and went into the first Tennessee district, ostensibly on a Chataqua lecture tour. While there he made a public address advising the people to remove me from Congress on the ground that I would not approve the Norris bill in conference and report it out over the House substitute. As a direct result of this attack by a United States Senator upon me as a House conferee while in line of duty without opportunity for defense, an opponent who 10 days previously had announced his decision not to make the race was persuaded to change his mind and announce his candidacy upon the Norris bill.

The district was flooded before Congress adjourned with all sorts of false propaganda to the effect that I had "sold out to the Power Trust," was a "traitor to the South," a "Benedict Arnold," a "Judas Iscariot," and that I had prevented a great outpouring of gold from the United States Treasury into the laps of the people of the South and, especially, that I had insulted the Senator from Nebraska by placing myself in the way of this great gift from the United States Treasury to the downtrodden and oppressed sufferers of my district. Time was consumed on the floor of the United States Senate manufacturing this false propaganda to misrepresent my position in the service of the country in this matter.

One of the lines of the false propaganda was that the President had given his assent to the Norris bill and that, therefore, I was standing alone against the Senator from the Northwest in his magic efforts to turn the Tennessee River into a stream of gold with its fountain in the Treasury at Washington and, overnight, to make the industries of its valley blossom into prosperity. The Federal-operation propagandists printed editorials in the press and circulated yellow and red "dodgers" terming me a traitor to the Nation and a deserter of the Republican Party for the alleged reason that I had refused to follow the leadership of the President in accepting the Norris plan for Muscle Shoals. The representations became so grossly false and malicious that the President finally wrote a letter correcting one of the misrepresentations and expressing his attitude on the principle and plan involved without indorsing or condemning any candidate. His letter was purely in the interest of truth, not a candidate, and was made necessary by the slanderously false propaganda.

Contrary to misleading insinuations on the floor of the Senate, the letter had a wholesome effect and helped to win the victory which was won in the August primary upon the Muscle Shoals issue. My position in the matter was vindicated at the polls, and anyone now advocating the Norris bill, or any other Federal-operation theory in a Republican primary in the first Tennessee district would be defeated at least by three to one. And as for the President, he holds the confidence of the Republicans of east Tennessee in the highest degree and stands next to Abraham Lincoln in the hearts of these patriotic mountain people who have an instinctive appreciation for loyalty to country and devotion to duty.

The issue did not figure in the November election and, on account of the age-old custom and the presumption among the rank and file that nomination was equivalent to election, no campaign was aroused among the Republican voters in the congressional race. Then it happened on election morning that the voters in the big mountain counties that are solidly Republican and friendly to me were snowbound by a 12-inch snow and did not cast a single vote in many places.

The following figures, showing the results of both the primary and the general elections, speak for themselves. The November election was in no sense a mandate upon the Muscle Shoals or any other question within the Republican Party of the first Tennessee district:

<i>Republican primary election August 7, 1930, for Representative in Congress</i>	
Sam W. Price.....	22,188
Carroll Reece (carrying 9 of the 12 counties).....	25,594
Total Republican vote in primary.....	47,782
Polled in State Democratic primary, August 7.....	20,300
Total vote in district.....	70,082
<i>General election November 4, 1930, for governor</i>	
Arthur Bruce (Republican).....	16,584
Henry H. Horton (Democrat).....	19,315
Combined Republican and Democratic vote for governor.....	35,899
<i>General election November 4, 1930, for Congress</i>	
O. B. Lovette (run by Democrats).....	20,893
Carroll Reece (Republican nominee).....	18,239

The August primary was such that it aroused the opposition of the Democrats, who took their revenge in November. The Democrats of the first district live principally in the towns, where the snow did not interfere, and they had on a warm State campaign in November. Fewer than 4,000 deserters from the 47,000 Republicans of the district combined with an almost solid Democratic vote to elect my opponent in November in the absence of the mountain Republican vote. The Republicans of the first district are so loyal to the nominee and have so little respect for a bolter that they could not think of the Democrats combining with the few Republican deserters to elect a bolter.

In the face of all the Power Trust propaganda in the first Tennessee district, it is an interesting fact that all the attorneys, with only one exception, who are retained by any of the power companies were actively opposed to me in the August primary, wherein Muscle Shoals was the issue.

Whatever the pressure from many quarters through all the ingenious propaganda, I could not stultify myself and the Republican majority of the House, whose commission I hold, by agreeing to such an unsound and dangerous proposition as the Norris bill, even under the pretext of compromise, as a means of retaining a seat in Congress. And I have confidence that the Congress now nor in the future will not permit a fundamental principle of American government to be overthrown nor a far-reaching experiment in sovietism to be foisted upon the South and the Nation. [Applause.]

The SPEAKER pro tempore (Mr. COOPER of Ohio). Under the order of the House, the gentleman from South Carolina [Mr. McSWAIN] is recognized for 50 minutes.

Mr. McSWAIN. Mr. Speaker and Members of the House, for the reason that I did not know until just 50 minutes ago that I was to be permitted to speak at this time I have no set remarks. I have nothing written, and I shall, therefore,

be compelled to speak extemporaneously. For that reason I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McSWAIN. In connection with that statement I shall also announce that it will not disconcert me at all for anyone to ask me any questions at any stage of the discussion. In fact, as we have 50 minutes ahead of us, it might be a real mutual accommodation [laughter]; it might furnish new phases of the subject for our animadversion.

If I understood the remarks of the distinguished gentleman from Tennessee, who as a member of the Committee on Military Affairs, and in that respect a colleague of mine, with whom I have been intimately and pleasantly associated now for eight years, he indorses the conclusions of the United States Chamber of Commerce and its committee on water power with reference to what should be done at Muscle Shoals. As I remember the report which was submitted by the United States Chamber of Commerce as a sort of referendum of the members of that organization, it stated as a fact that the property at Muscle Shoals is of little value, has ceased to have any potential value as an asset of national defense, and should, therefore, be sold as one of the scraps of war. Of course, as they have announced it to have little value, they can hope to get but little proceeds from the sale of this piece of property. I do not know whether I understood the gentleman to indorse these sentiments or not. If I misunderstood the gentleman, of course I am subject to correction at this point.

Mr. REECE. The gentleman would not infer from my speech that I take the position that the nitrate plants are now useless, because he will recall that the burden of my effort was to indicate that they could be used to produce fertilizer in quantity, and thereby probably consume most, if not all, of the power, if such an operation should be permitted, but it was my view that the lease authorization submitted by the Senate conferees did not give sufficient latitude to enable the President to secure a lessee.

Mr. McSWAIN. If I understood the gentleman, he inveighed with splendid diction and a fine enthusiasm against the infringement of those essential and fundamental principles upon which American civilization rests, to wit, individual enterprise, private property, and private initiative, all of which he suggests are about to be overthrown and destroyed by the sapping and mining of the Senator from Nebraska.

I submit that it is just as much a violation of that principle to make fertilizer in opposition to private enterprises now making fertilizer as it is to sell electric power wholesale in opposition to electric-power concerns generating electricity, whether by steam or water power. The principle is just the same. Whoever is in favor of manufacturing fertilizer for sale, whether by direct governmental agency or through a Government property virtually subsidizing such fertilizer manufacture, can not stand here and in the same speech say that because the surplus power is supposed to be distributed wholesale by a corporation which is virtually a Government-owned corporation to do so is violative of a fundamental American principle. It seems to me to be consistent that we have to reject both propositions and follow the United States Chamber of Commerce and sell the entire plant outright as a scrap of war, or we have to admit that the original design of using it as a fertilizer proposition in time of peace and as a by-product and incidental of the great main objective of national defense may be properly pursued.

Mr. JAMES of Michigan. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. JAMES of Michigan. Is it not true that if the President has authority to lease, that there would be no surplus power to be sold? It takes 280,000 horsepower to make the requisite amount of fertilizer of a certain grade—2,000,000 tons of 2-8-2 fertilizer. The Cove Creek proposition will only double the power; and if it is run for the purpose which Congress intended, there will be no surplus power.

Mr. McSWAIN. If the President exercised the power which is contained in the draft here in my hand, which

represents—as I am informed—a tentative agreement on which the conferees of the House and the Senate, conditionally at least, agreed, whereby it is provided in that tentative draft that within the period of 12 years the lessee to whom the President is given carte blanche authority to lease without a single restriction as to price, without a single specification in the law as to the annual rental, without specification as to what the price of power shall be, so that he can fix it as \$1 a year as rental for nitrate plants and can fix the price of power at the actual cost of generating power, whether it be \$17 per kilowatt per year or not, and if within the 12 years the lessee or lessees comply with the terms of this provision, then I submit that there will not be a single horsepower of surplus power to be sold, because, as the gentleman from Michigan suggests, it will take every particle of hydraulically generated power to produce the maximum capacity of these two nitrogen plants, which capacity must be reached within 12 years.

Mr. EVANS of California. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. EVANS of California. Would that then be in accord with the original act, the authorization of this plant?

Mr. McSWAIN. Absolutely.

Mr. EVANS of California. Then what is the objection to it?

Mr. McSWAIN. I do not object. I am for it 100 per cent. Why did the gentleman from California not ask my friend from Tennessee [Mr. REECE] why he objects, and why he does not consent to bring in this bill which I hold in my hand?

Mr. EVANS of California. My conception of the speech of the gentleman from Tennessee [Mr. REECE] was that he was in accord with the plan of leasing the plants, which was authorized by the original act.

Mr. McSWAIN. The gentleman from Tennessee [Mr. REECE] can speak for himself again, but as I understand it, this bill which has been furnished me as an authentic copy of the agreement provides that for one year after the passage of this act the President of the United States is to have absolute authority to lease these nitrate plants, either or both, with no strings on him whatever, except that the lease shall not be for more than 50 years, and that within 12 years the maximum capacity of these two plants for the fixation of atmospheric nitrogen shall be reached.

Mr. WURZBACH. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. WURZBACH. The gentleman from South Carolina has referred to a draft of a bill. The chief controversy between the Senate conferees and the House conferees being on subdivision (c) of section 25, I would be glad if the gentleman from South Carolina would let us know what the draft he has in his hand provides with reference to that subdivision, so that at least I will understand what the proposition is.

Mr. McSWAIN. I did not know there was any dispute at any time about this, but subdivision (c) of the draft I have reads:

The lessee shall covenant to operate said plants and to use said property exclusively in the production and manufacture of fertilizer—

According to the original bill of 1916—

and fertilizer ingredients, to be used in the manufacture of fertilizers or fertilizer ingredients, and, if in the manufacture of fertilizer or fertilizer ingredients a by-product is produced which is not an ingredient of fertilizer, the lessee shall have authority to sell and dispose of such by-product as the lessee shall see fit, and shall likewise have authority to process such by-products so as to prepare them for the market.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. WAINWRIGHT. Does that agreement provide that the lessee shall have the first call upon the power up to the amount of power required to produce the maximum capacity of the plant?

Mr. McSWAIN. Certainly. It is the duty of the President, under this authority, to write it into the lease.

Mr. WAINWRIGHT. Is that understood in that draft of bill?

Mr. McSWAIN. Certainly. It is the duty of the President to write into this lease that this lessee shall have sufficient power to comply with the terms of his lease, and that the board set up by this provision and the President shall together specify at what price that power shall be supplied, so that it can be just as cheap and just as high as the President of the United States and the board of directors shall fix; no lower and no higher.

I yield to the gentleman from Michigan, whom I regard as the best posted man in the United States on Muscle Shoals.

Mr. JAMES of Michigan. In other words, if the House were to agree on the basis of what the gentleman has read, there would not be any water power to be sold for 50 years. It would be a national-defense proposition.

Mr. McSWAIN. There would be virtually none. Of course, to be strictly technically correct, we must say that within that first 12-year period, in reaching that maximum, there might be a certain surplus of power for temporary disposal. In the next place, under the provisions of this lease, if the product of the plants, to wit, nitrogen in fixed form does not sell and is put in storage, to the extent of a minimum of 2,500 tons of pure nitrogen, then after such storage exists there will be power available.

I yield to the gentleman from Texas, who is one of the conferees on the part of the House.

Mr. WURZBACH. I suppose the gentleman from South Carolina understands that at least some of the Senate conferees contend that under the language just read, subdivision (c), the lessee would not only not be permitted to process, but not even to sell, the ingredients usable in fertilizer manufacture. The gentleman states that if a lease of this property is made, then the Norris provisions for sale and distribution of power would never come into effect because the lessee would use all of the power. But, of course, that conclusion depends upon a lease first being made. The contention of the House conferees is that without language liberal enough to permit the economical manufacture of fertilizer we would not get a lessee, and therefore, automatically, all of the power would be subject to sale and distribution under the Norris plan.

Mr. McSWAIN. My reply to that is this, if you please: Make an effort to get a lease under this provision. It would be my attitude if I were one of the conferees, to make an effort to find a lessee. Pass this law and give the President of the United States carte blanche authority to execute a lease under this law. If at the end of 12 months he has failed, the property is still ours, and if we then want to liberalize and broaden the terms of the lease, it is then within our power to do it. But if we make it too broad, if we let the power and the plants go under terms whereby they may be diverted from fertilizer over to chemicals, then it is gone beyond recall under this, and when it is gone, it is gone for 50 years. So we had better make our mistake on the side of restricting and preserving the power and the property as ours, rather than make it on the side of being too anxious to gratify in advance, prospective bids and prospective lessees.

Mr. WURZBACH. The House conferees had exactly the same opinion and in accordance with that opinion we suggested to the Senate conferees that we would try out the language of the leasing provisions but would eliminate the Senate resolution altogether, giving the President an opportunity to try to lease under the limited and restricted language of the leasing provisions as insisted upon by the Senate conferees, but the Senate conferees would not agree to that, and they would not even agree that if it turned out that no lease could be made that the Senate conferees would be willing to ask for a repeal of that portion of the law, namely, the Senate joint resolution which permitted the Government to have the right to sell and distribute power.

Mr. McSWAIN. I was not in the conference and I do not know, but I would like to ask the gentleman this: If the conferees on the part of the House, or at least those who were in sympathy with the view of the gentleman from Texas, ever submitted to the Senate conferees a proposal like this, which was contained in the bill proposed by the

gentleman from Texas [Mr. GARRETT] and myself, to the effect that if at the expiration of the 12 months no lessee had contracted with the Government for this property and if after that time had expired Government operation through Government corporation commenced, then if any lessee came in after that and offered to take the property under the terms and conditions contained in this bill, then if the board of directors, the President, or whoever might be authorized to make a lease, should make a lease, then that the operation by the Government should cease and private operation should be begun? Did the gentleman ever make such a proposal as that?

Mr. WURZBACH. I can say this to the gentleman: That, although that particular proposition has not been made, I will guarantee that if such a proposition is made to the Senate conferees they would reject it in an instant, because the propositions which we have made are much more liberal and more in accordance with the Senate views for the disposition of Muscle Shoals. I am sure the Senate conferees would not accept such a proposition. Personally, I would not object to it.

Mr. McSWAIN. I became convinced about four or five years ago that it would never be possible for these two Houses of Congress to themselves negotiate a lease for this property. The proposition to make a lease to the American Cyanamid Co., headed by Mr. W. B. Bell, was pending for several years, and during all of those negotiations I was satisfied that it would never be possible for a majority of these two Houses to agree upon the terms of such a bill. However, I did dare entertain the hope that just 5 Members of the House and just 3 Members of the Senate, 8 in all, might get together on a lease, and that if nearly all of these 8 men agreed upon the terms of a bill, that will give the President of the United States a free hand to lease it to whom he pleases, on what terms he pleases, for any period of time, not exceeding 50 years, at any price he sees fit; surely, if nearly all of the conferees will agree to that provision, then the rest of them ought to fall in line and say, "In order to make an end of this thing, let us turn it over to the President of the United States, one man, and see if he can not negotiate a lease."

That would be my attitude. I recognize the duty of every man to follow his own conscience and to be scrupulously careful, and while it was my personal duty as a member of the committee to see that the interests of the Government were protected, I offered over a hundred amendments to the cyanamid bill which were accepted, but three fundamental amendments were never accepted. Of course, I was perhaps a little obstinate about it, and said that if they would not accept them I would never agree. I am glad I am not a conferee because I might be too obstinate if I were. But looking at the proposition from the outside, it does seem to me that they ought to agree to turn the matter over to the President for at least 12 months.

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. OLIVER of Alabama. I have talked with some of the House conferees and I think it is conceded that there was a tentative agreement and understanding between a majority of the House conferees and the Senate conferees to the language read by the gentleman from South Carolina.

Assuming that there was such a tentative understanding and agreement, surely no one will say that mere apprehension on the part of some of the conferees, parties to the agreement, ought now to wipe out the tentative agreement, because, as the gentleman from South Carolina has well said, if it is submitted to the House and the Senate and written into law, and if the apprehension felt by the gentleman from Texas, expressed a few moments ago, should prove true; namely, that a lessee could not be found unless you liberalized the lease terms, neither this House nor the Senate would be found standing in the way of bringing about a lease by some modification of the lease provision. That tentative agreement at least will do this: It will commit the House and the Senate to the operation of Muscle Shoals—as all of the House conferees say they want it to be operated—in the interest of agriculture.

Mr. WURZBACH. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WURZBACH. It is true, is it not, that if the legislation was approved by Congress and signed by the President on the terms indicated by the gentleman from Alabama, and if no lease made within 12 months, that then the Senate joint resolution, providing for the sale and distribution of power, would automatically go into effect without any further action being required on the part of Congress.

Mr. McSWAIN. Why, certainly. And suppose it does? It is still our property and we can stop its operation any day we want to; we can pass a law providing that it shall be leased while being further operated any day we want to, and even if it is operated for the rest of our lives under the terms of the so-called Senate resolution, I want to ask whose resolution it is?

Mr. OLIVER of Alabama. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. OLIVER of Alabama. Assuming that the conditions mentioned by the gentleman from Texas are presented at the expiration of 12 months, we certainly would be in no worse position than we now are.

Mr. McSWAIN. Certainly not, and we would at least be in the position of having tried it out. Prospective lessees will tell you and tell me that they will never agree to certain terms, because they want the most liberal terms they can get, but when it comes to competition between the Union Carbide Co., the American Cyanamid Co., and the Alabama Power Co., they are going to be more liberal and generous in complying with our terms than they now admit they will be.

Mr. JAMES of Michigan. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. JAMES of Michigan. The gentleman from Michigan is not one of the House conferees but he has talked with practically all of the House conferees, but with no attempt to interfere with their views. The House conferees meet again to-morrow and I wonder what the gentleman from South Carolina would think of this proposition: To have the House conferees suggest to the Senate conferees that the President be given 18 months instead of 12 months within which to negotiate a lease? That would give the President 9 months in which to negotiate a lease before we come back in December, and if the President were not able to negotiate a lease he could submit to the Congress whatever terms he thought were necessary in order to negotiate a lease. What does the gentleman think about that?

Mr. McSWAIN. Well, at first blush, that strikes me as very reasonable. It is a disappointment, of course, to postpone commencement of operations at Muscle Shoals, but six months added to 13 years is a rather small percentage of the entire time that has been taken up in an effort to make a final disposal of this project.

Mr. OLIVER of Alabama. And it at least has this virtue. The danger which the gentleman from Texas [Mr. WURZBACH] feels, that we may revert to the original Norris plan, would be postponed for six months, until Congress has had full opportunity, under the advice of the President, to meet such conditions as the President points out prevents the making of a lease.

Mr. McSWAIN. Yes. In other words, Congress would have one more full session in which to consider whether or not it would mean the destruction of civilization, the overthrow of individualism, and the invitation to communism to come in, if Muscle Shoals should be put in operation. [Laughter and applause.]

Mr. WURZBACH. I merely want to state that with the consent of one or two House conferees, I will submit that proposition to-morrow, and I will guarantee now that it will not meet the approval of even one of the Senate conferees.

Mr. McSWAIN. Well, perhaps the tone of voice in which it is submitted will have something to do with whether or not they will agree.

Mr. WURZBACH. Oh, no.

Mr. McSWAIN. The gentleman should not publish outright his guarantee that they will not agree, because it

would be provocative of effort on their part to produce disagreement. Go in with a smile and withdraw your guarantee. [Applause.]

Mr. WURZBACH. I may say to the gentleman that when that kind of proposition is made, it will be made in writing, so that there can not be any misunderstanding about it, and so that no one may read into the words submitted any feeling on the part of anyone of the House conferees.

Mr. McSWAIN. I will revise my remarks, anyway, if the gentleman will permit, and eliminate that statement, so that in scanning my remarks no eagle eye from the other end of the Capitol may discover the remarks.

Mr. WURZBACH. I do not object to the remark at all.

Mr. JAMES of Michigan. If the gentleman will permit, I would also like to ask the gentleman from Tennessee if he will not study the proposition submitted by the gentleman from South Carolina [Mr. McSWAIN] about the alternative, after we have an opportunity to secure a lease; that is, the language suggested by the gentleman from South Carolina [Mr. McSWAIN] and the gentleman from Texas [Mr. GARRETT].

Mr. WURZBACH. The gentleman means the second alternative proposition?

Mr. McSWAIN. That is virtually it.

Mr. WURZBACH. In fact, I will be pleased if the gentleman from South Carolina and the distinguished chairman of our committee will frame some language on both of these propositions that we can submit.

Mr. McSWAIN. I will say with respect to the latter that the language is already framed and in print in the Garrett-McSwain bill.

Mr. WURZBACH. I would be pleased to have the language submitted in respect of both of them, because I do not want to put the House conferees in the position of not having properly presented the views of at least some of the Members of the House.

Mr. WAINWRIGHT. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WAINWRIGHT. May I ask, for the information of the House, whether under the Garrett-McSwain bill, referred to by the gentleman, if the President does not negotiate a lease, at the expiration of the time, be it the time in the bill or the time that has been proposed here by the gentleman from Michigan, the President comes back to Congress for further authorization or further instruction, we might say, or the power provisions automatically take effect in default of execution of a lease.

Mr. McSWAIN. Of course, the set-up under the Garrett-McSwain bill is slightly different. Instead of empowering the President—

Mr. WAINWRIGHT. In other words, what happens if the President does not negotiate a lease?

Mr. McSWAIN. Under the Garrett-McSwain bill, if the President does not negotiate a lease for the period of the first year then operation commences, but at any time during operations by this Government corporation the President or the board of directors or whoever is empowered to make the lease may continue negotiations, and if terms are arrived at, the power to conclude a lease continues, and when the lease is executed then that very day possession passes from the Government corporation to the lessee, without stopping the wheels for one single instant, and without diminishing the production capacity of the plant by one single ounce.

Mr. WAINWRIGHT. Because, of course, the Government corporation is the Government itself.

Mr. McSWAIN. Why, certainly. It has no vested rights. It can not complain that it is being divested of anything.

Mr. ALMON. Will the gentleman yield?

Mr. McSWAIN. I yield to the distinguished gentleman from Alabama.

Mr. ALMON. Reference has been made to the inability on the part of Congress during the past 10 years to write a lease that could be agreed upon. The fact is, and I believe it is almost unanimously agreed to, it is an executive function and not a legislative function, and is not this the first time it has ever been proposed that a lease be made by the

President fixing the terms of the lease, fixing the price of the power and the rental value of the nitrate plants?

Mr. McSWAIN. Well, I think so, substantially. Of course, it has been proposed, and proposed by some individual bills, but I may say it never got into conference before. It never was this near home and the subject was never so warm before as it is now, despite the fact it seems now exceedingly cold.

Mr. ALMON. Let me say in this connection that I sincerely hope the discussion by the gentleman from South Carolina to-day will be helpful in bringing about an agreement on the part of the conferees on to-morrow.

The conferees were appointed last June. The public during all of this time has expected a report, and that it would be accepted and Muscle Shoals legislation ended. But no report as yet. I have talked with each of the conferees, some of them many times, and urged the importance of a report, and have expected a report from time to time. There now seems to be but little difference. I hope that this discussion to-day will be helpful and at the meeting of the conferees to-morrow they will make a complete agreement.

The power is running to waste. This fertilizer plant, one of the best in the world, is standing idle at heavy expense to the Government. Its operation would give employment to thousands of men, many of whom are unemployed. It would reduce the farmer's fertilizer bills at least one-half. So, I again urge when the conferees meet again to-morrow that they may make such further compromise and concession as may be necessary to bring them together on a report. The operation of these plants is of such vital interest to the public generally and has been delayed so long, and if not settled at this session I trust that it will become necessary that an extra session be called when, I believe, it will be settled promptly.

Mr. McSWAIN. I want it distinctly understood that my discussion is in the best of humor. I did not take the floor for the purpose of trying to discredit my good friend from Tennessee, not at all. I took it merely for the purpose of trying in a fair and broad way to see whether or not these gentlemen had not gotten somewhat befogged by reason of their nearness to the subject, and by reason of the criticisms which fall from other tongues with reference to the so-called Norris bill.

Mr. BANKHEAD. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. BANKHEAD. We have been trying to work out a solution of this question for a great many years. It is very difficult for those of us who live in the immediate section of the country and who are vitally interested in the question to explain to our people the technical rules of the House with reference to agreements between conferees.

It is admitted that this is a question not alone of sectional interest but of national interest. We have now reached the small differences of opinion that exist between the groups of conferees. Does not the gentleman think that under the circumstances, after this long delay, in view of the great interest that our people have in this question, that we have reached the time when the conferees, all of them, especially those appointed on the part of the House, ought to be willing to make some reasonable concession on these minor differences in order to give the House and the Senate an opportunity to register their views?

Mr. McSWAIN. I think so.

Now, let me take up the proposition to which I have almost gotten once or twice; that that bill so denounced here, so energetically denounced as the Norris bill, called "the American experiment in communism," is, as a matter of fact, a House bill, born in this House, passed by this House in the Seventieth Congress, and agreed to by the distinguished gentleman from Tennessee, who was one of the conferees, and who came back and reported to the House with a degree of laudable pride that the Senate had receded from its position and that the House conferees were glad to report that the House bill was to become the law of the land.

Now, what happened? The bill went to the President, Calvin Coolidge, and he kept it in his pocket more than 10 days, and in the meantime Congress adjourned.

What happened? When the Seventy-first Congress assembled the RECORD shows that the Senator from Nebraska did not introduce his original Senate Joint Resolution 46 or anything similar thereto. He introduced the very same bill which this House had passed, word for word, except he added that Tennessee and Alabama should be given a certain percentage of the gross power developed within their respective State limits. Every other provision was, word for word, the House bill.

Why, gentlemen, when the Norris Senate joint resolution came before this House in the Seventieth Congress and was referred to the House Military Affairs Committee, the Senator from Nebraska appeared and the RECORD shows that he received somewhat of a grilling as to the inadequacy, the incompleteness, of the proposal contained in that resolution. His original resolution would pass over Muscle Shoals in toto to the Secretary of Agriculture, to be operated by him as he might see fit in experimenting in fertilizer and fertilizer content and ingredients.

What did we know that meant? We had had representatives of the Department of Agriculture before us and they exhibited more than indifference, almost actual absolute hostility to the proposition. They had shown no sympathy with our effort to help agriculture at Muscle Shoals. We knew to put it in the hands of the Secretary of Agriculture was just like dumping it in the Potomac River. We said that we are going to propose legislation in a systematic and orderly way, that will in a broad and comprehensive plan show sympathy with agriculture. We had some amendments proposed by my distinguished colleague from South Carolina [Mr. McMILLAN], and they swept through the House like a cyclone, due to the presence of a mighty lobby of fertilizer manufacturers and mixers. But the House passed the bill with the provisions that that plant should be used for the fixation of atmospheric nitrogen for agricultural purposes, and when it came out of the conference and my distinguished friend from Tennessee [Mr. REECE], who has already addressed this House this morning, was one of the House conferees, it provided in language, word for word, line for line, and dot for dot, what is now denounced by him, as I understand it, as the Norris bill, and what he denounced here this morning, as I understand it, if I am not mistaken; and the latter part of his address consists of an exhortation of the philosophy contained in the Norris bill, although it is the very thing that he and his conferees brought back to us in the Seventieth Congress as a victory for this House.

Mr. TAYLOR of Tennessee. I would like to state and to have the RECORD show that the gentleman from the second district of Tennessee made two trips to the White House and urged the President to sign that bill.

Mr. McSWAIN. That very bill which this House passed in the Seventieth Congress?

Mr. TAYLOR of Tennessee. That is correct.

Mr. McSWAIN. If the President is to have a free hand for 12 months, or maybe for 18 months—and I hope that they will extend it for 18 months so as to eliminate imaginary fears—and if the first session of the Seventy-second Congress does not modify the law, and if the wheels begin to turn down there in pursuance of the power contained in that, to wit, to set up a Government corporation for the purpose of operating the plant, then nobody will be responsible for it except the Members of this House who voted for it, except the members of the Military Affairs Committee that brought it in, and I assume my part of the responsibility there. Nobody will be responsible except the Members of this House who voted for the bill originally, except the Members of this House who brought in the conference report urging this House to accept it and except the Members of this House who voted for the conference report itself. Nobody else will be responsible. I am responsible for only part of that, and some of these gentlemen here are responsible all along the line. Therefore I do not see why we should

shy off so far for fear that we will slip into the very track which we made in the Seventieth Congress. I do not see any danger in it. As the gentleman from Michigan [Mr. JAMES] has said, give the President 18 months. Let this gentleman who is a great engineer and who is a great business man and who is so friendly to the Muscle Shoals project, as he told them down at Chattanooga in 1928, try for 18 months to bring this thing about, and if then it can not be done, Congress shall have the power to loosen the strings and liberalize the terms and give him 18 months more.

Mr. WAINWRIGHT. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WAINWRIGHT. Before the gentleman takes his seat, I believe those of us here present from this committee would be glad to have the gentleman's definition of precisely what is the difference between these conferees on Muscle Shoals. We have had a lot of general talk. Come to the precise point.

Mr. JAMES of Michigan. And I would like to say before the gentleman begins that, that it is not my intention that the President shall have 18 months without any strings on it.

My idea is that the President shall have 18 months; but he has 9 months before the 1st of December, and if by that time he is unable to negotiate a lease, he reports what his difficulties are, so that Congress can pass legislation based on what these gentlemen now suggest.

Mr. WAINWRIGHT. Now, I ask the gentleman from South Carolina to answer my query. Nobody can answer it better than the gentleman from South Carolina.

Mr. McSWAIN. That is very kind of the gentleman from New York. As I understand it, the Senate conferees insist that the lease shall contain power on the part of the lessee to manufacture only fertilizer or fertilizer ingredients and those things which are necessary by-products in the manufacture of fertilizer. On the other hand, some of the conferees on the part of the House insist that in order to induce a lessee to come in and contract for the operation of these plants for the next 50 years they must have certain privileges of processing the by-products, which are chemical products, and divert certain parts of the power—it has been suggested 15 per cent; and until that limitation, of course, there was no restriction—for the manufacture of these by-products of fertilizer, provided, of course, the minimum requirement of 2,500 tons of pure nitrogen in storage should be maintained. I believe, my friends, the conferees on the part of the House are rather scrupulously and unnecessarily solicitous of the impossibility of finding a lessee under the terms proposed by the Senate. If a lessee knows that he can change over from fertilizer to by-products—to chemicals, in other words, if chemicals prove more profitable; if chemicals are more productive from a dividend-producing aspect than fertilizer—then what will he do? He will put out a fertilizer which the farmers will not use, which the farmers will not buy, and by maintaining 2,500 tons in storage his hands are free to divert power for the next 49 years to the manufacture of ordinary commercial chemicals. I say we should tie him down to the fertilizer and make him live or die by fertilizer, so that if the fertilizer which he first produces is not attractive to the farmers he will change and modify his product until he does produce a form and brand which they will buy.

Mr. WURZBACH. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. WURZBACH. I do not think the gentleman from South Carolina quite understands the last proposition submitted to the Senate conferees.

Mr. McSWAIN. Perhaps I do not. I would be glad if the gentleman would explain it.

Mr. WURZBACH. The 15 per cent limitation of power for the processing of crude ingredients of fertilizer can only be used when fertilizer that can be applied directly to the soil is actually being manufactured; so that they would destroy their entire investment if they would do what the gentleman from South Carolina seems to fear the lessee would do. Not to exceed 15 per cent of the power is per-

mitted to be used for the processing of by-products and ingredients usable in fertilizer, and then only while the lessee is actually engaged in the manufacture of fertilizer. It follows that there could not be any danger of diverting all or any quantity in excess of 15 per cent of the power under any conditions to anything else than the manufacture of fertilizer.

Mr. McSWAIN. But does not the gentleman's suggestion have coupled with it the proviso that if the farmers fail to buy fertilizer and if the lessee maintains 2,500 tons of pure nitrogen in storage, then the lessee is at liberty to manufacture chemicals which are the by-products of fertilizer, because every fertilizer ingredient is chemistry?

Mr. WURZBACH. No. The very language of the proposed amendment which limits the amount of power that is actually employed in fertilizer manufacture to not to exceed 15 per cent safeguards it. In order to clarify that amendment and not add anything new to it but simply to clarify it and to meet the criticism which the gentleman from South Carolina has been making, and which are the same objections that have been made by some of the Senate conferees, we are providing further, and we intended to submit to-morrow to the Senate conferees, the provision that whenever there is a temporary cessation in the manufacture of fertilizer—that is to say, such fertilizers as are applicable directly to the soil for growing of crops—during that time not 15 per cent or any part of it may be diverted for the purpose of processing any of those ingredients usable in fertilizer manufacture.

Mr. McSWAIN. Well, I congratulate the gentleman. That proposition which will be submitted to-morrow is certainly going in the right direction.

These conferees were appointed, if I mistake not, about the 1st of June, or the middle of June, 1930. It is now the 17th day of February, 1931. I do believe that these gentlemen, realizing the great responsibility that rests upon them, can to-morrow, if they lay aside slight differences, if they will agree to subordinate self and forget some of the harsh things, then they can get together and come in here with a report that will give the President the power to do that which everybody says he ought to do.

The SPEAKER pro tempore. The time of the gentleman from South Carolina has expired.

Mr. STRONG of Kansas. Mr. Speaker, I ask unanimous consent that the time of the gentleman from South Carolina be extended for two additional minutes in order that I may propound a question.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that the gentleman from South Carolina may proceed for two additional minutes. Is there objection?

There was no objection.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. STRONG of Kansas. Is not one of the objections to the Senate bill that the leases to be made are so restricted that it is believed to be doubtful whether a lessee can be found, to the end that it looks toward Government operation? Is not that one of the objections?

Mr. McSWAIN. I think so. That is an objection, but we never will know what a lessee will do until he is put face to face with another opposing lessee who might get the property away from him. We never know till we try.

Mr. STRONG of Kansas. If we really intend to lease this property, we ought not to make the lease so restrictive that nobody will accept it.

Mr. McSWAIN. But I do not want to make it so liberal that they can stop the manufacture of fertilizer for agricultural purposes.

Mr. STRONG of Kansas. I do not want to do that myself.

REPORT AND MINORITY VIEWS ON HOUSE JOINT RESOLUTION 500

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that the majority members of the House Committee on Immigration and Naturalization, and the minority members as well, may have until midnight, to-night to file a report and minority views on House Joint Resolution 500.

The SPEAKER pro tempore (Mr. COOPER of Ohio). Is there objection to the request of the gentleman from Washington?

There was no objection.

COMMUNISM

The SPEAKER pro tempore. The gentleman from West Virginia [Mr. BACHMANN] is recognized for 60 minutes.

Mr. BACHMANN. Mr. Speaker and Members of the House, I expect to discuss this afternoon the subject of communism, to trace its history from the beginning and then its spread through Russia and in the United States.

I am glad the Members of the House are beginning to pay some attention to the communist movement in this country. Your committee, of which I was a member, has given considerable time and attention to investigating the activities of the communists for the last eight months. Hearings were held in New York, Detroit, Chicago, Atlanta, New Orleans, Los Angeles, and in other sections of the country. The testimony of several hundred witnesses was taken. As a member of that committee and as a result of our investigations, I am firmly convinced that this communist movement is far more extensively organized than is generally believed by the American people. I have no desire in the discussion of this subject other than to state the facts as we found them, and that is what I expect to do.

I do not question the right of any American citizen to advocate a change in our form of government so long as he follows the orderly and lawful methods contemplated by the Constitution, but I do object to alien revolutionists, whom we permit to come to this country, advocating the overthrow of our Government by force and violence and the substitution of a soviet form of government in its place.

Thousands of our citizens are now becoming aware of the new kind of warfare the communists are waging against the Government of the United States. While many remain ignorant of and indifferent to what is actually taking place in this connection, nevertheless to those who know, communism unless exterminated may eventually become a serious menace to our present form of government.

Mr. ALLGOOD. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. ALLGOOD. In your investigations in regard to communism, did you ascertain the percentage of communists who are American citizens?

Mr. BACHMANN. Does the gentleman mean native Americans or naturalized Americans?

Mr. ALLGOOD. Well, what is the percentage of native Americans?

Mr. BACHMANN. It is my opinion, as nearly as we could determine, that not over 5 per cent of the communists in this country are native Americans.

Mr. ALLGOOD. What about those who have become naturalized?

Mr. BACHMANN. It is hard to tell whether a communist is an alien or a naturalized citizen, in a great many instances, and it is almost impossible to find out just what percentage of them are naturalized citizens. However, I will say this for the gentleman's information, that the members of the committee agree that from 75 to 95 per cent of the communists connected with the movement in this country are aliens and naturalized citizens.

Mr. ALLGOOD. Is there any movement on the part of the committee to deport them?

Mr. BACHMANN. I will speak about that a little later.

I am not an alarmist and do not anticipate that there is any danger of an immediate revolutionary uprising from the communists, but I do believe that the Federal Government should take precautionary measures to guard against this alien revolutionary conspiracy, aimed at the heart of our Government, and at the life, liberty, and happiness of our people.

Communism is an organized effort to overthrow organized governments which operate contrary to the communist plan now in effect in Russia. It aims at the socialization of government, private property, industry, the home, education, and the abolition of all religion.

The plans and aims of the communists are the same the world over. The Russian communists in Moscow and the communists in Berlin, London, New York, or Paris all stand on the same platform and advocate the same revolutionary principles, and all of their activities are directed by the Executive Committee of the Communist International from Moscow.

Modern communism began with the communist manifesto, which was written by two young German apostate Jews, Karl Marx and Friedrich Engels, and published in 1848 as the platform of the Communist League, a workingman's organization, at first exclusively German, but later international in its scope. According to the communist manifesto, modern society was divided into two general classes, the capitalistic class and the workers' class. The two classes having nothing in common, were to be separated by class warfare until such time as the workers shall have overcome and forever destroyed the capitalist. This could only be accomplished through the abolition of all governments, family relations, ownership of private property, inheritance, and religion.

It was this manifesto that gave to the world the slogan, "Workingmen of the world unite. You have nothing to lose but your chains, and the world to gain."

The first association of workers, based partially on this manifesto, was established in 1864 at St. James Hall, London, largely through the efforts of Karl Marx, and was known as the First International.

It was a world body made up of radical groups from various nations. It made very little progress and held its last convention in Philadelphia in 1876.

In 1889, six years after the death of Karl Marx, the Second International was formed in Paris. It was also based on the class struggle and the uniting of all revolutionary tendencies. It finally became the fountain head of international socialism. At a convention of the Second International in 1915 there came into prominence a man, later to become the idol of all communists, Nicolai Lenin, whose body now lies buried in the Red Square of Moscow.

Lenin as a lad of 17 years had an older brother to whom he was passionately devoted. This brother became involved in revolutionary activities in Petrograd, was detected in a plot to kill the Czar, and apprehended with bombs and an arsenal of weapons in his possession. He was later hung in the prison yard. This event colored the whole philosophy and life of the younger Lenin. He vowed vengeance against the existing régime, against all society, and against civilization itself. He was expelled from college because of revolutionary activities, later exiled to Siberia, and lived much of his life as a refugee from his home land. He moved about the world obsessed with his longing for revolution. These years he spent in perfecting plans and tactics for communism and its spread throughout the world.

Communism did not make real headway until the Russian revolutions. The first revolution came with the abdication of Nicholas II on March 16, 1917, which marked the end of the Russian Empire. A provisional government, under Kerensky, was organized, and immediately recognized by the United States. From March to November, 1917, a period of eight months, Russia lived under a democratic form of government.

With the formation of the provisional government, political amnesty was declared and former revolutionaries began to return to Russia. Lenin was then in exile in Switzerland, Stalin was in exile in Siberia, and Trotsky was living in the Bronx.

At once this Bolshevik group, which had nothing directly to do with the abdication of the Czar, became active. Trotsky, who had been delivering soap-box orations in Union Square, New York, and in Philadelphia, prepared to return to Russia. In his farewell speech, delivered in a German hall in the Bronx, he is reported to have said:

I want you people to organize and keep on organizing in America in order that you may be able to overthrow this dirty, rotten Government of the United States. I am going back to Russia to overthrow the government there and stop this war with Germany.

Within a short time, through the offices of the German general staff, with the probable objective of fomenting revolution in Russia and destroying the morale of its army, Lenin, with some 30 other revolutionists, was introduced into Russia from Switzerland through hostile German territory in a sealed car.

On November 7, 1917, a year before the armistice that ended the World War, and at a critical period in that great struggle, came the second revolution. Thirty to forty thousand communists, falsely promising to satisfy the land hunger of the peasants, took over the Russian nation of 150,000,000 people and prepared to translate into action the plans that Lenin had been maturing for 30 years.

The Government of Russia, which is known as the Union of Socialist Soviet Republics, was then established with Lenin at its head. It is an autocratic, self-constituted dictatorship by a small group of self-perpetuated revolutionists. Joseph Stalin, the secretary general of the Communist Party, is now the actual dictator. The Communist Party to-day consists of approximately 1,500,000 members out of 150,000,000 people in Russia, but it controls the Soviet Government and the Communist International.

The Russian Communist Party is the only legal party in Russia. All other parties are outlawed.

In March, 1919, Lenin organized what is now known as the Third or Communist International at Moscow. The purpose of the Third or Communist International is to carry out the revolutionary purposes of the Communist Party and the Soviet Union.

It is the governing body of all communist activities throughout the world, and is made up of groups from many countries including the United States. It meets at Moscow to discuss policies, activities, and propaganda in various countries.

Theoretically, the Russian Communist Party is only a section of the Communist International, and as such subject to its orders; but, in reality, the Communist International is dominated and controlled by the Russian Communist Party.

The main objective of the Communist International is to promote world revolution in order to bring about a worldwide union of soviets, or dictatorship of the proletariat, with the capital at Moscow.

Both the Soviet Government and the Communist International are creatures of the Russian Communist Party, which orders and directs their actions.

Mr. ARENTZ. Would it interfere with the gentleman to have him bring out the difference between the First, Second, and Third International—the difference in the platform, first by Marx, and then the others in 1919?

Mr. BACHMANN. The purpose of both the First, Second International and the purpose of the Third International are all based on revolutionary propaganda—the purpose being to divide the working class from what is known as the capitalistic class, in order to make a breach between the two classes, which will in time bring about revolution and dictatorship by the working class over the capitalistic class. If I had time I would like to go into that, but I want to get down to the situation in the United States.

Mr. MORGAN. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. MORGAN. Will the gentleman state by what method they maintain the dictatorship?

Mr. BACHMANN. Through a government of fear.

Mr. MORGAN. They have the military?

Mr. BACHMANN. Yes; they have the military forces which are solely under their control. As I have said, they control 150,000,000 people in Russia.

Mr. MORGAN. Do they have any limit as to the number of communists?

Mr. BACHMANN. They do not.

Mr. ESICK. Is it not true that they maintain their control through the management of the O. G. P. U.?

Mr. BACHMANN. Yes; through the secret police, the O. G. P. U.

Mr. McKEOWN. What is the distinction between the Bolsheviks and the communists?

Mr. BACHMANN. I have not the time to go into that now. The central executive committee of the Russian Communist Party dominates the Soviet Government through its subcommittee of 10 members known as the politbureau, whose members as a rule also hold important offices in the Soviet Government and in the International.

Thus it will be seen that we find in Russia three great distinct yet interrelated organizations. First, the Russian Communist Party; second, the Soviet Government; and, third, the Communist International.

The Communist Party of the United States was first organized in Chicago in September, 1919.

Its principal function then was that of a propaganda organization for the Communist International, in support of a communist society to be achieved by means of a proletarian revolution and dictatorship.

Shortly after the American Communist Party was organized the Government, through provisions of war-time legislation, drove it underground. In 1921 the Workers' Party of America was formed as a camouflage for the real Communist Party of America, which continued in an illegal status until 1924, when the repeal of war measures and consequent halting of Government activities permitted it to reappear. The communists came more and more into the open until to-day they flaunt their revolutionary activities throughout the country.

Since 1925 the Department of Justice has had no power, no authority, or funds from the Congress to investigate communist propaganda or activities. During the period that the Department of Justice had actual authority the Communist Party could not function successfully and the movements were then comparatively stationary.

However, at a convention held in March, 1928, the communists finally threw off all camouflage and boldly came out into the open as the Communist Party of the United States of America, section of the Communist International, which is its present name. It is thoroughly and highly organized nationally and locally and is extremely active.

I believe that appropriate legislation should be immediately enacted by the Congress, enlarging the powers of the Department of Justice, so that there will be at least one branch of the Federal Government in constant touch with what is taking place. And I further believe that additional appropriations should be provided for the purpose of employing sufficiently skilled agents in the Bureau of Investigation in the Department of Justice who could devote their entire time to investigating and preparing reports on activities, propaganda, membership, and personnel of all entities, groups, or individuals who teach or advocate the overthrow of the Government of the United States by force or violence, or who attempt to undermine our form of government by inciting riots, sabotage, or revolutionary disorder.

The results of such investigations should be furnished to the Congress, to the press, and to the public in general, to the end that publicity be turned upon the machinations of such treasonable and seditious groups and the American people fully advised.

It is well to bear in mind that the Communist Party of the United States is directly controlled by the Communist International in Russia. From Moscow as a center the Communist International, which might be called the international revolutionary party, seeks to spread the doctrine that the whole world is divided into two camps—that of capitalism and that of socialism. It is the purpose of the Communist International to destroy capitalism. The purpose of the Communist Party is the creation of a communist society. The final and ultimate end is a dictatorship of the proletariat. The method by which the communist seek to accomplish this in the United States is by the forcible, violent, armed overthrow of the Government; civil war, and revolution, and finally the erection of the socialist soviet republic of the United States, which would then become a unit or part of the Union of Socialist Soviet Republics. The whole program is skillfully planned.

What the communists do in Russia in this connection is their business, but when they plan to overthrow the Government of the United States and substitute therefor a soviet

form of government, that is our business. Any movement which strikes at the foundation of the home, the Government, the family, and religion should never be permitted to flourish within the boundaries of the United States.

Mr. FISH. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. FISH. Is not it well to point out here that this is the first time in all history that a revolution has been started from without? All other revolutions in past history have come from within against some form of oppression, but in this instance it all emanates from Moscow.

Mr. BACHMANN. That is my understanding, and I so said in the beginning of my remarks. This movement had its beginning and it takes its orders and is controlled by the Communist Party in Moscow.

Mr. ALLGOOD. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. ALLGOOD. I understood the gentleman to say that under our war-time legislation it was not possible for communism to exist in this country, but that when we did away with that, that saw the beginning of this movement.

Mr. BACHMANN. That is true.

Mr. ALLGOOD. Is it possible to reenact some of that legislation?

Mr. BACHMANN. Our committee has made certain recommendations to the Congress in that connection, and I think they should be adopted. I think this Government is big enough to have at least one agency to keep in touch with what is going on with respect to this movement. As I said before in answer to the gentleman's question, the membership of the Communist Party in the United States is largely alien and overwhelmingly foreign born. It is estimated that 75 to 95 per cent of all communists in this country are aliens and naturalized citizens. Very few native Americans are connected with the movement. The efforts to communize the foreign-born element in our population have met with greater success than any other effort of the communists.

Mr. BRIGGS. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BRIGGS. What effort is being made to weed out undesirable aliens and have them deported promptly from this country and their naturalization certificates canceled?

Mr. BACHMANN. I can not answer that except in a general way. I am speaking here of alien communists, who I believe should be deported. The gentleman's question infers aliens generally.

Mr. BRIGGS. Generally I am referring distinctly to undesirables among the groups that agitate and that have no standing in this country except a permissive one, tolerated perhaps, who are subject to deportation and who ought to be deported, but who for one reason or other have not been. I want to know the reason why that has not been done.

Mr. BACHMANN. I come to that a little later.

Mr. BRIGGS. Another thing I would like to ask is to what extent students from Russia are being admitted into this country?

Mr. BACHMANN. I understand from the Bureau of Immigration that there are several hundred students here from Russia. There are many temporary visitors who come here for business purposes and for pleasure and who are here temporarily.

Mr. BRIGGS. Why are these students permitted to come into the country to disseminate their doctrines all through the universities of this land, when we have no political relations with Russia?

Mr. BACHMANN. Our immigration laws permit students to come to this country for the purpose of obtaining their education.

Mr. BRIGGS. Are not those students from countries with whom we have diplomatic relations?

Mr. BACHMANN. That is true, but some are here from Russia.

Mr. BRIGGS. I know that, and that is what I am talking about.

Mr. BACHMANN. I would say to my good friend the gentleman from Texas that the immigration law recognizes

a quota of 2,700 from Russia. There are soviet citizens in Russia, and there are a good many Russians who are not soviet citizens, who do not live in Russia, who come in under that quota; and the only people coming to this country now, as far as we could learn from the Immigration Department, are those old Russians who are not soviet citizens. We did not find that there were any soviet citizens coming here, nor do I recall that any soviet citizens are coming here for the purpose of education.

Mr. BRIGGS. I noticed in the newspaper reports last summer that a party of, I think, 50 students from Soviet Russia landed in New York and were at Ellis Island, being detained for investigation. I never saw whether they actually entered the country or not. It is charged that some of them were leaders in Russian propaganda.

Mr. BACHMANN. I do not know what happened to that delegation. I will discuss that question a little later.

I was saying before I yielded to the gentleman from Texas [Mr. Briggs] that a majority of the members of the Communist Party in the United States are aliens and naturalized citizens. The majority of these foreigners can not read the English language, and they are reached through the foreign-language press of the country. The foreign-language press is largely controlled by communists.

It is interesting to note that 18 language departments are maintained and are now functioning with a bureau for each language. It is claimed that less than 5,000 foreign-born members of the Communist Party, through these foreign-language bureaus, control organizations with a membership of over 79,000. It is also reported that there are some 200,000 individuals connected with these foreign-language groups who are more or less in sympathy with the communist movement.

Officials of the Department of Labor, when they came before our committee, testified that there is nothing in our immigration laws excluding a communist, as such. In other words, if an alien, coming to this country, admits he is a communist, they say there is nothing in our immigration laws to stop him from coming in, and that the only way the Government of the United States may prevent him from entering is for our consular officers to exercise greater care at the point of origin.

This, however, in itself, is not sufficient, because it is almost impossible for our consular officers to know of the beliefs and affiliations of the many immigrants applying for admission to this country. I am firmly of the opinion that our immigration laws should be strengthened, so that no communist or any other alien who believes in the principles of communism, would be permitted to enter the United States.

By adding one word to our present immigration law, that is the word "communist" after the word "anarchist," it would prevent the entry of any alien communist to this country. I have introduced a bill for this purpose.

Mr. LaGUARDIA. Will the gentleman yield right there?

Mr. BACHMANN. I yield for a question.

Mr. LaGUARDIA. How would the gentleman define those principles?

Mr. BACHMANN. I understand it has been contended that if we put the word "communist" into the immigration law they would change their name and possibly call themselves by another name, but we have the word "anarchist" in the immigration law. You are all familiar with the definition of anarchy.

Mr. LaGUARDIA. An anarchist believes in no form of government.

Mr. BACHMANN. The difference between a communist and an anarchist is that the anarchist does not believe in any form of government, while a communist does not believe in any form of government except a soviet form of government.

Mr. LaGUARDIA. How would the gentleman define their form of government?

Mr. BACHMANN. Put in first the word "communist" as we understand the term, and as we understand the definition. The courts would readily say, in my opinion, from

what we know now about communism, that a communist is one who advocates the overthrow of our Government by force and violence, and seeks "the substitution thereof of a soviet form of government."

Mr. FISH. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. FISH. Is it not a fact that when this law was first considered a number of years ago when the word "anarchist" was used, the same objection was raised by lawyers as to the interpretation of the word "anarchist"? But it came and it had an accepted meaning. To-day everybody knows just what an anarchist is. If you had tried to get the word "communist" in at the same time, 10 years ago, the people of the country would not have known what the word "communist" was. To-day it has an accepted meaning.

Mr. LaGUARDIA. Will the gentleman from New York give his definition of it?

Mr. FISH. Yes. It means a man who takes his orders from the Communist International at Moscow, urging the overthrow by revolutionary methods of all other governments that are not communist governments.

Mr. BACHMANN. I can not yield any more time, but I am willing to take the chance, and if the Congress will put the word "communist" into our immigration law, I think you will find that the courts will have no trouble in construing what a communist is.

Mr. BRIGGS. Will the gentleman yield further?

Mr. BACHMANN. I yield.

Mr. BRIGGS. Does the gentleman not think the courts would take judicial knowledge of the meaning of the word?

Mr. BACHMANN. I am inclined to believe they would. I also believe our deportation laws should be amended so that all aliens who are communists could be immediately deported. No alien or naturalized citizen can be a communist and at the same time be loyal to the Government of the United States and its flag. If these alien communists who we permit to come here do not like our form of government, let them go back to the land of their birth. [Applause.] Let them refrain from seeking the overthrow of this Government or be deported. We have already permitted them to carry on their activities far too long.

Mr. BRIGGS. Will the gentleman yield for another question.

Mr. BACHMANN. I yield.

Mr. BRIGGS. Is it not a fact that if the Department of Labor were furnished more funds and a larger staff with which to handle this situation, they could do a great deal more than is possible now toward correcting some of these things?

Mr. BACHMANN. I do not think there is any question about that. The President recommended the other day that an appropriation be provided to deport some of these aliens. I believe we should not permit the Communist Party or any other party organized by aliens, and controlled by an alien government, to adopt and plan to bring into existence in this country a soviet form of government.

For the purpose of organizing and the spreading of its doctrine and propaganda the Communist Party of America has divided the country into 19 separate districts. Each district is headed by a district organizer. The district organization is primarily designed to further the subversive work among industrial workers.

Some of you may not think this movement serious. As I said before, I do not want to be unduly alarmed about it, but the officials of the American Federation of Labor can testify as to the seriousness of this movement.

Industry in the United States has been the principal point of penetration by the communists; they have announced that if world revolution is to take place it must originate among the masses of the workers, and that in order to assure revolution and the ultimate success of their aims they must create discontent and dissatisfaction among the working people.

Originally the principal strategy and aim was the penetration and capture of the American Federation of Labor.

W. Z. Foster, the recognized communist leader in this country, with many years experience in the I. W. W. and American Federation of Labor, from which latter organization he was expelled, was obsessed with the idea of "boring from within" the ranks of the American Federation of Labor. The theory being that all communists join the American Federation of Labor, form secret groups within the various craft unions, and by united, secret, and disciplined work, capture the offices and key positions in the various unions and finally capture the entire machinery of the federation, and thus be able to turn it into a revolutionary instrument for the overthrow of the Government and the building up of a soviet régime. During this period the American labor movement has constituted the front-line trenches between Americanism and communism, and the loyal American labor leaders and the rank and file of the American Federation of Labor have borne the brunt of the attack.

My very good friend and colleague, Congressman JOHN COOPER, who is now presiding, seriously criticized this same Foster back in 1919, shortly after he led the great steel strike in this country. He told the House at that time who Foster was. Ever since he has been the leader in this communist movement.

Mr. SLOAN. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. SLOAN. What is this man Foster's business and how much work has he actually done during the last 10 years?

Mr. BACHMANN. If he does any work of any kind the committee did not learn of it. He spends his time leading the communist movement. He spent a part of his time in jail in New York for inciting riots. He boldly told our committee about the principles of communism and that he was fighting under the red flag, seeking to displace the American flag with the red flag. I will read to you a little later what Foster said in his acceptance speech when he was nominated for President.

Mr. ESLICK. He also stated that he made various trips to Moscow, Russia.

Mr. BACHMANN. Oh, yes. He goes there every year or so, I will say to the gentleman.

Mr. GLOVER. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. GLOVER. It was stated the other day that one of the parties leading this communist crowd who put on the demonstration in the gallery was a foreign-born man who had been naturalized. He was leading that kind of a party in opposition to our Government, and I would like to ask the gentleman whether there is anything in our laws now which would authorize the deportation of that man from this country?

Mr. BACHMANN. No; because first you would have to cancel his naturalization certificate, and under the present law you can not cancel his naturalization certificate unless you can prove it was obtained by fraud.

Mr. GLOVER. Does not the gentleman believe that hereafter in our naturalization papers there ought to be a provision whereby we can deport such a man if he becomes a communist?

Mr. BACHMANN. That has been advocated.

Mr. BLANTON. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BLANTON. Before the splendid speech we heard made by our friend from Ohio [Mr. COOPER] in 1919, I made a speech in 1918 and called attention to the activities of William Z. Foster and what he was preaching in his red book on syndicalism. I then warned the American Federation of Labor that if Mr. Samuel Gompers permitted such anarchists as Foster to use his organization to bore from within, he would destroy the American Federation of Labor. At that time I was denounced as an enemy of organized labor, and yet you see now that I was right.

Mr. BACHMANN. I will say to the gentleman from Texas that I am sorry I did not know that before. Had I known it, I would gladly have complimented the gentleman for the very fine work he did in that connection.

While the communists so far have been unsuccessful in their plans for "boring from within" and "capturing" the American Federation of Labor, they have succeeded in weakening and virtually breaking up and destroying a number of the important unions of the federation, notably in the garment, needle, textile, and mining trades.

Matthew Woll, vice president of the American Federation of Labor, recently stated that American labor has always understood what form of government communism advocates. It has always known under what rules it operated and the ends it sought. From the very beginning American organized labor regarded the soviet régime in Russia as the most unscrupulous, most antisocial, most menacing institution in the world to-day. It has ever held to the point of view that between it and our form of political and social organization there can be no compromise. It has always maintained that there is a definite irrevocable division between the social organization of democracy and the social organization of communism. Indeed, organized labor from the very beginning assumed leadership in opposition to the spread of communism and against the teachings and preachings of apologists for communism in our land.

But that is not the only place that the communists work. They believe that if they can enlist the negroes of this country that then they will be well on their way to the revolution.

Mr. YON. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. YON. There is not much of a movement for communism in the South amongst any class, is there?

Mr. BACHMANN. These communists are all over the country. The committee did not go into any city in the country but that it found them, and they are all doing the same thing. They are working on the negroes in every State in this Union. If the truth were known, you would find that there are negroes in the organization in every State in the Union.

For years the communists have also looked hopefully toward the negro as an element where they might gain recruits for the Communist Party. Work among the negroes is considered one of the major activities of the party. Up until this time the effort to interest and line up the negroes in this country has not met with great success, although a considerable number employed in the northern industrial centers have joined the movement. In the South some headway has been made in certain sections.

The communists aim to bring about class consciousness among the negro workers and to take every possible advantage of occurrences and conditions which will tend to develop race feeling with the view of utilizing racial antagonism. At every opportunity the attempt is made to stir up trouble between the white and Negro races.

The negroes are led to believe that the communists practice complete racial and social equality, and that only when a communist government is set up in the United States will the negroes obtain equality and freedom from exploitation by the "white bosses," and in order to attract and impress the negro, the communists make a point of encouraging mixed social functions, where white women communists dance with negro men and white men communists dance with negro women. It is openly advocated that there must be complete social and racial equality between the whites and negroes, even to the extent of intermarriage.

Each year a number of American negroes are sent to schools in Russia, where they are educated in the principles of communism.

The American Negro Labor Congress, organized by the communists, was an example of the effort to obtain negro recruits. The purpose of that organization was to conduct campaigns for the organization of negro workers. At its last convention, held in the city of St. Louis, November 15 and 16, 1930, which was attended by approximately 400 delegates and visitors, a resolution was passed changing the name of the American Negro Labor Congress to the League of Struggle for Negro Rights. As declared by the convention, it is the purpose of this new organization to fight for

full equality of negroes with all other nationalities, and to cement and maintain a real fraternal solidarity between white and black workers in the struggle for their common interest.

In fact, there can be no doubt but that the aim of the communists is to strengthen their revolutionary movement by bringing into it the millions of negro workers in the United States, and to connect them with the struggle of the national minorities and colonial peoples of all the world, and thereby further the cause of the world revolution and the dictatorship of the proletariat.

Now, this is not all. We have them in industry, we have them working with the negroes, but the worst of all is that they are teaching the youth of this country the principles and tenets of communism.

The communists do not restrict their propaganda efforts to adults alone, but are conducting an intensive campaign among the youth of America for the purpose of spreading revolutionary doctrines and preparing the young generation for militant participation and leadership in the much-proclaimed revolution. The activities among the youth of America are considered one of the most important objectives of the communists, due to the desire to train American-born and American-speaking boys and girls in the principles and aims of communism.

As was said by my good friend and colleague JOHN NELSON, a member of our committee: America can have no more vicious or dangerous enemy than he who seeks to implant in the minds of impressionable youth the seeds of class hatred, anti-Americanism, and revolution. In the world of practical affairs, to American-born men and women, with minds toughened by contact with an imperfect world, the philosophies of the communist make but little appeal, but youth, with its energy and idealism lacking the experience and judgment to weigh and discriminate, is often distressingly warped and deluded in its formative years by the trickery of this propaganda.

Subversive activities among the youth are carried on through two organizations—the Young Pioneers of America and the Young Communist League. Membership of the Young Pioneers of America is made up of children from 8 to 15 years of age. At the latter age they graduate into the Young Communist League, with which organization they are affiliated until reaching the age of 23 when they become members of the Communist Party proper.

The Young Pioneers, modeled after the Boy Scouts, but passionately antagonistic to it, children are taught class consciousness, hatred of the "bosses," and contempt for capitalistic law, government, and religion. Textbooks containing detailed instructions are issued to the leaders having this work in charge. Social and athletic activities are employed to enlist the interest of the children, and so adapted and used as to teach some lesson in class consciousness. As their extreme youth protects them from arrest and prosecution, the Young Pioneers are often used for the distribution of radical literature and to form the advance guard of public parades and demonstrations.

All Young Pioneers make the following pledge:

I pledge allegiance to the workers' red flag and the cause for which it stands. One aim throughout our lives—freedom for the working classes.

The Young Pioneers are taught that the workers and their children all over the world have but one fatherland, the soviet fatherland; but one flag, and that the red flag, symbolizing the red blood of the workers of the world.

The Young Communist League is a direct branch of the Communist International of Youth, a section of the Communist International at Moscow. Thus it recognizes the program and tactics and submits to the instructions of that foreign body. It also works under the direction and in close harmony with the American Communist Party. The following is the declaration and pledge on the application for membership in this organization:

I want to become a member of the Young Communist League. I pledge to do everything in my power to make myself a better fighter in the interests of the working youth and the working class. I will carry on an endless struggle as a member of the

communist movement for the overthrow of the rotten capitalist system and for the establishment of the revolutionary workers' government in the United States of America.

To this organization has been assigned the communist duty of subversive activity among the armed forces of the Nation. Through the agency of these two communist youth organizations similar activities have been carried on within the high schools of the country, with often most serious results.

That much progress had been made among the youth there can be no doubt. The communists also attempt to defeat the Americanization of the children of foreign born by the establishment of communist schools. The primary purpose of such schools is to teach the principles of communism. Summer camps are maintained for the children. In 1925 there were 2 such camps and in 1930 they had increased to more than 20.

During attendance at these camps the children are educated in the principles and tenets of communism. Anti-patriotic and antireligious instructions are stressed, and they are taught hatred and contempt for the American Government, American institutions, and all religion. They are taught to render no respect or allegiance to the American flag—the Stars and Stripes—and it is never displayed. On the contrary, they are taught to reverence the red flag of communism and world revolution and to formally pledge allegiance to it. Communist schools and communist camps serve no other purpose than to teach the children to hate the Government of the United States.

If we stand by and permit the youth of our country to grow up under communist teachings and antireligious instructions, we are sowing seeds for chaos and ruin and unconsciously aiding the enemy of civilization, which may mean within a few generations a revolution led by the proletariat and dominated and controlled by an alien government. The time to stop this movement is now. [Applause.] The children of America must grow to manhood and womanhood with an affectionate love for our American Government, its flag, institutions, and traditions. [Applause.]

If anybody thinks that the communists have not made much progress with the children of the foreign born in this country they are sadly misinformed.

Mr. CRISP. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. CRISP. In what way are these camps maintained—by the communist government paying the expenses?

Mr. BACHMANN. I have no information about that; but they are maintained by the American Communist Party. Where the funds come from, I do not know.

Communists do not believe in God. In Russia the penalty for teaching the existence of God to anyone under 18 years of age is imprisonment or death. Teachers in the schools must teach the children atheism or lose their positions.

That the communist attack on religion is spreading in this country is apparent. It is an ingrained part of the communist political plan. The Soviet Commissar of Education, in speaking of religion, recently said:

Christians teach love and compassion, which is contrary to our convictions; down with love of our neighbors; what we preach is a gospel of hate.

All communists are atheists whether they live in Moscow, Berlin, Paris, London, or New York. They may not be baptized, married, or buried with religious ceremonies. The communist must not only be without religion; he must be antireligious.

The most tragic and appalling situation in Soviet Russia is the fact that many millions of young children attending the public schools are taught each day hatred of the conception of God and of all religious faith and beliefs.

The Communist Party and the Soviet Government have done everything in their power since 1917 to mock, destroy, and outlaw religion. Churches have been pulled down or turned into clubs, religious shrines despoiled, burial grounds desecrated, and the priests and clergy persecuted and slain. The denial of religious liberty and the wiping out of all religious beliefs is an important part of the communist program. Communists boast of being atheists and take pride

in urging war on God. The fact is that there is an irrepressible conflict between Russian communism and a belief in God.

The latest report from Moscow indicates that if the plans of the Union of Militant Godless are carried out the last church in Russia will be closed by 1934.

In this connection it is interesting to note that a number of communists when summoned before our committee in New York, Seattle, San Francisco, and other cities, declined to take an oath, stating they did not believe in a Supreme Being, and would only testify on affirmation.

I wish you Members of the House would read some of the hearings of that committee and see what they said about religion.

I am going to take a minute or two to tell you something about Amtorg. I do not want to take up the economic situation at this time because of lack of time.

Russian trade in this country is conducted through an agency called "the Amtorg Trading Corporation." It is incorporated under the laws of the State of New York. All of the stock of the corporation stands of record in the name of Peter A. Bogdanov, chairman of the board of directors, as trustee for the Bank of Foreign Trade of the Soviet Union. This bank is owned by the State Bank of Russia, and the State Bank of Russia is owned by the Soviet Government. Not a share of stock of this corporation is owned by an American. Every official of Amtorg, with but one exception, is a citizen of Soviet Russia.

The business of Amtorg Trading Corporation is conducted largely on a credit basis, with only \$2,000,000 invested capital, and the commerce to America from Russia is equal to about one-third of the amount of its purchases in the United States. From 60 to 65 per cent of its business must of necessity be on a credit basis. The Soviet Government claims that in 1929 Russia sold us over \$30,000,000 in commerce and we exported to Russia over \$107,000,000 in commerce.

When called before our committee, a number of the officials of Amtorg denied they were communists, but nearly all of them were communists in Russia. Before coming here some of them held very high positions with the Communist Party or the Soviet Government. They severed their communist relationships to come to the United States.

The biography of Peter A. Bogdanov, chairman of the board of directors of Amtorg, shows he began his career as a revolutionist when only 18 years of age and while yet a student. He was arrested in 1902 and served a prison sentence. In 1905 he was elected a member of the Bolshevik executive committee of the Russian Socialist-Democratic Labor Party and a member of the underground organization in the army. Later he went to Moscow and became active in the underground subversive organization as a member of the Communist Party.

In the beginning of the communist revolution he was president of the revolutionary committee of Gomel City. In 1919 he was appointed president of the council for the military industry and in 1921 president of the supreme economic council. During the year 1923 he was appointed chief of the supreme administration of the military industry and president of the committee for war minister orders.

He is now the highest official of Amtorg. Admitted to this country as a temporary visitor for the purpose of overseeing the affairs of this trading corporation, it will be interesting to note how long the Government of the United States will permit him to remain here.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended for 15 minutes.

Mr. TILSON. I hope that that will be granted.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. CRISP. I have heard it stated and I would like to know whether it is true that his time for remaining here has been extended on one or two occasions. Is that correct?

Mr. BACHMANN. The chairman of the committee wrote the Department of Labor and asked that he be notified when the time for his temporary visit had expired, and I am informed by the chairman of our committee that he was informed by some one in the Department of Labor that his permit has been again extended for another period of six months or one year.

Mr. MICHENER. What are his activities in this country?

Mr. BACHMANN. He is the chairman of the board of directors of Amtorg. He meets all of the big business men in this country and negotiates all purchases for Soviet Russia.

Mr. MICHENER. Amtorg is a trading corporation which buys American material to send to Russia?

Mr. BACHMANN. Yes.

Mr. MICHENER. And he is the representative of the Russian Government and is buying that material.

Mr. BACHMANN. Yes.

Mr. MICHENER. And while in America buying these materials, what are his activities so far as propaganda in connection with his Government is concerned?

Mr. BACHMANN. That is a fair question. I will say, for the benefit of Amtorg, that at no place through this investigation did we find that any of the officials of Amtorg were connected with the spreading of any communist propaganda in this country.

Mr. MICHENER. I ask that question in the light of this statement. We permit Russians to come to this country. We permit this man to come here. We know his religion, we know who he is, and his nationality. If he is in this country and behaves himself lawfully while here and in no way interferes with our Government or advances the propaganda of his Government, just what action would the gentleman take?

Mr. BACHMANN. I think, if we permit aliens to come to this country for commerce or any other purpose, we ought to know something about them. Here is a man who has been at the head of the military industry in Russia, who is a known revolutionist, a known communist, who has held high official positions in the Russian Communist Party and the Soviet Government. He is here now for an unlimited stay, perhaps 2, 3, 4, or 5 years; and what he does here outside of carrying on the business of this organization I am not able to say, but a number of people believe, whether it is true or not, that he is the head of this underground movement of the Communist Party in this country. I am not ready to say that that is the fact. I do not know.

Mr. ESLICK. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. ESLICK. Is it not a fact that a Mr. Delgassa, vice president of Amtorg, resigned and assigned as his reason that he would not sign a statement of perjury as Bogdanov had? He said that Amtorg was filled with communists and communists' organizations, and after his resignation he was afraid to go out on the streets, and that under the Russian courts or O. G. P. U. this man had been sentenced to be shot and to forfeit all of his property?

Mr. BACHMANN. That is true. He testified to all of that, but in view of all that, I am not ready to condemn a man and say he is connected with this illegal movement or the underground work of the communists unless there is some substantial evidence to base it on, other than the mere statement of a former employee.

Mr. ESLICK. But he did deny there were any communists in his organization, did he not?

Mr. BACHMANN. He did that.

Mr. ESLICK. And he denied that he himself was a communist, did he not; and that the general manager was not a communist?

Mr. BACHMANN. That is correct.

Mr. BLANTON. Will the gentleman yield?

Mr. BACHMANN. I yield.

Mr. BLANTON. The gentleman will remember that our two best-known anarchists, Emma Goldman and Alexander Berkman, after their experience in Russia, declared that they would rather spend the rest of their lives in a penitentiary in the United States than to be free in Russia. For the same reason probably Amtorg prefers to remain here.

Mr. BACHMANN. Now, there is another thing that I want to tell you, and which I think the Members of the House should know, and that is about the communist press in this country.

The communists publish 11 daily newspapers in the United States, 9 of them in a foreign language. In addition to this they issue from 12 to 18 weekly publications, practically all in a foreign language. A circulation of about 225,000 is claimed for these various publications. The Daily Worker, issued in New York City, is the principal communist daily printed in English, and has a rather rapidly increasing circulation of some 30,000. The various shop-nuclei papers are claimed to have a circulation of from 60,000 to 70,000.

Many articles appearing in the Daily Worker are of a revolutionary nature, consisting of attacks on our Government and on every American institution or ideal associated with our form of Government. It has considerable influence among the communists, particularly in New York City, and is the mouthpiece that prepares the mass demonstrations and meetings in New York and throughout the country.

The testimony of Louis Bebrits, editor in chief of Uj Elore, a revolutionary communist daily printed in Hungarian in the city of New York, is interesting and illuminating. Mr. Bebrits is an alien who came to the United States in 1923 from Rumania. He testified before our committee on affirmation that he was a communist. The following is a part of his testimony taken from the hearings:

Mr. BEBRITS. I am always fighting against capitalism and seeking to overthrow capitalism and to get a Soviet Government.

Mr. BACHMANN. Yes; and you would go to the extent of using force and violence the same as they did in Russia when the Russian Provisional Government was overthrown and the communists took control?

Mr. BEBRITS. I can not imagine a revolution without the same methods as the Russian workers and farmers used.

The Hungarian Uj Elore is an extremely revolutionary and dangerous paper, with a circulation of over 30,000 according to the sworn statement submitted to the Post Office Department.

Mr. IRWIN. Will the gentleman yield?

Mr. BACHMANN. I yield, briefly.

Mr. IRWIN. I would like to ask if these communist papers of which the gentleman is now speaking are carried throughout United States mails?

Mr. BACHMANN. I am coming to that.

The largest daily communist paper is the Morning Freiheit, published in Yiddish in New York City. It has a circulation through the United States mails of over 5,000, and a sworn circulation of over 64,000, largely in New York City and vicinity.

The editor, Moissaye J. Olgin, testified before our committee that he was a communist and a naturalized citizen, coming to the United States from Russia in 1914. He stated that his paper is owned and controlled by communists.

The following remarks of Olgin before the committee may be interesting:

Mr. OLGIN. I agree perfectly with what Marx said about religion; that religion is the opium for the people.

The CHAIRMAN. Do you believe in abolition of all religion?

Mr. OLGIN. I believe in enlightening all the people so they may stop believing what don't exist.

Mr. BACHMANN. Since 1922 you owe no allegiance to the American flag?

Mr. OLGIN. Since 1922 I am a communist, and that is a revolutionist.

Mr. BACHMANN. You are fighting to displace the American flag; is that not true?

Mr. OLGIN. I am fighting under the red flag to displace American capitalism by a government of workers and farmers.

Now, all of these publications containing articles and editorials of a revolutionary nature, written by these men I have just mentioned and others, are daily carried through the United States mails. Every morning copies are delivered by United States mail carriers to subscribers throughout the country. How can we teach the large number of aliens that come to this country what the American Government and American institutions stand for when each morning we permit the United States mail carrier to deliver news-

papers containing revolutionary articles and revolutionary ideas?

Mr. BLANTON. Why does not the Postmaster General stop it?

Mr. BACHMANN. Because he can not. The law is not broad enough because the present law only covers each individual publication or issue of the publication and not all issues generally.

I believe legislation should be enacted by this Congress as soon as possible, which will prevent all newspapers and publications of every kind and character, which advocate the overthrow of this Government by force and violence, or the erection of a soviet form of government in the United States, from going through the United States mails. [Applause.]

Everybody must admit they can serve no good purpose, and these many foreigners who come here and read this Yiddish paper or the Hungarian paper or other papers in a foreign language, advocating the overthrow of our Government, who might eventually make good citizens, are misled, and instead of going on and becoming good American citizens their intentions are diverted by permitting revolutionary papers in foreign language to be delivered by agents of the United States Government.

What are they to think other than that it is all right?

Mr. ALLGOOD. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. ALLGOOD. Has the gentleman any evidence that papers are coming in from Russia?

Mr. BACHMANN. Oh, yes; there are a lot of papers from Russia, pamphlets and periodicals, that come over here and are distributed in the United States.

There is no question that communism is increasing in this country. I do not believe that anybody who is informed on the question will deny that statement. The communist ticket was on the ballot in 14 States in 1924, and in 1928 the communist ticket was on the ballot in 34 States in this Union, a gain of 20 States in four years. In 1924 W. Z. Foster, the communist candidate for President, received 36,000 votes and in 1928 he received 48,770 votes. In 1930 the communist candidates for governors and United States Senators, in less than half the States in the Union where they were on the ballot, polled approximately 100,000 votes. Now, bear in mind that when we are talking about votes we are talking about American citizens entitled to vote. We are not talking about the great number of young people who are connected with his movement who can not vote. We are not talking about aliens who are connected with this movement, 75 or 95 per cent of them, who can not vote. We are not talking about migratory American citizens who could vote if they had a residence established. I know this number is insignificant as compared with the number of people we have in the United States, but we must remember that the communists neither expect nor plan to get control of this Government by legal or political methods. Their political activities are carried on for publicity and propaganda purposes only.

Listen to what Foster said when he made his acceptance speech on May 23, 1928; that is, when he accepted the nomination for President of the United States as the communist candidate. He said:

Our party, different from the Socialist Party, creates not illusions amongst the workers that they can vote their way to emancipation, that they can capture the ready-made machinery of the State and utilize it for the emancipation of the working class. The working class must shatter the capitalist state.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has again expired.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 additional minutes. This is a very valuable speech.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the gentleman from West Virginia may proceed for 10 additional minutes. Is there objection?

There was no objection.

Mr. BACHMANN. Continuing what Foster said:

It must build a new state, a new government, a workers' and farmers' government, the soviet government of the United States. When a communist heads a government in the United States, and that day will come just as surely as the sun rises, that government will not be a capitalistic government but a soviet government; and behind this government will stand the red army to enforce the dictatorship of the proletariat.

That is a part of the acceptance speech of the communist candidate for President of this country. Over 47,000 American citizens, naturalized or native, voted for him in the election of 1928.

The usual communist defense, when brought into court and the legality of their organization questioned, is that the Communist Party is a political party; that it nominates and votes for candidates for office; that it has been on the ballot in many States. This, of course, is camouflage and evasion. Personally I feel there is abundance of evidence and ample justification for the States to declare the Communist Party, or any other like organization which seeks to overthrow the Government of the United States or the government of the States by force and violence, to be illegal. [Applause.] In other words, any party seeking through revolutionary means to supplant the American flag with the red flag and the substitution of a government by soviets for the American Government should be outlawed. [Applause.]

Mr. ALLGOOD. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. ALLGOOD. Does the gentleman know what action is being taken by other governments to stop sovietism?

Mr. BACHMANN. Yes. Different procedure is taken in different countries. I understand that when communists go to Mexico and try to spread their propaganda they are never heard of any more. [Laughter.] I understand that in Germany there are 4,500,000 of them out of a population of 78,000,000. The Government in China has been unable to handle them and the government in India is having considerable difficulty with them. With three or four hundred million people in China and three or four hundred million people in India, as well as 150,000,000 in Russia, if the communists succeed in India and succeed in China in the same way they have succeeded in Russia, then you will begin to see they are a serious menace, not only to the people of the United States but to the people of all the world.

There are many precedents for holding that the communists' organization is an illegal one. The present Chief Justice of the United States in 1924, when he was Secretary of State, sent a memorandum to the United States Senate, in which he said:

It is believed that the evidence presented by the Department of State at this hearing has conclusively established three facts:

First. The essential unity of the Bolshevik organization known as the Communist Party, so-called Soviet Government, and the Communist International, all of which are controlled by a small group of individuals, technically known as the political bureau of the Russian Communist Party.

Second. The spiritual and organic connection between this Moscow group and its agent in this country, the American Communist Party and its legal counterpart, the Workers Party. Not only are these organizations the creation of Moscow, but the latter has also elaborated their program and controlled and supervised their activities. While there may have existed in the United States individuals and even groups imbued with Marxist doctrines prior to the advent of the Communist International, the existence of a disciplined party equipped with a program aiming at the overthrow of the institutions of this country by force and violence is due to the intervention of the Bolshevik organization into the domestic political life of the United States. The essential fact is the existence of an organization in the United States created by and completely subservient to a foreign organization striving to overthrow the existing social and political order of this country.

Third. The subversive and pernicious activities of the American Communist Party and its subordinate and allied organs in the United States are activities resulting from and flowing out of the program elaborated for them by the Moscow group.

I do not ask you to believe what I say, but here is the present Chief Justice of the Supreme Court of the United States telling you what they were in 1924.

Mr. PATTERSON. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. PATTERSON. I wonder if the gentleman intends to discuss during the course of his remarks or to later insert

in the RECORD several concrete suggestions with respect to dealing with this question; not stopping at restriction of immigration, but making some other suggestions with respect to taking hold of this entire question and keeping down opportunities for them to spread their propaganda and to grow in numbers.

Mr. BACHMANN. I will go into that somewhat, and if the gentleman will look at the report of the committee he will see that there are some suggestions along that line made by the committee.

I think it is established beyond any question that the Communist Party of America, by whatever name it may choose to call itself, or under which it may elect to operate, is a dangerous and a lawless organization intent upon the overthrow of the Government of the United States by force and violence. Why there should be any hesitation in driving this horde of enemies out of this country or shutting their treasonable mouths and stopping their revolutionary noise is beyond my understanding. [Applause.]

Let us arrange to have them deported or let them return to Soviet Russia where they can communize to their heart's content. [Laughter and applause.]

You may be interested in knowing about the number of communists in this country. It has been estimated before our committee by various witnesses that there are from 50,000 to 2,000,000 of them here.

Mr. PATTERSON. Will my good colleague from West Virginia, while he is on this subject, in addition to suggesting deportation, make some other suggestions before he gets away from this particular point, some suggestions which will prevent the creation of a certain type of soil for them to grow in?

Mr. BACHMANN. I may say to the gentleman that I have had to skip over a part of my remarks which deals with the matter suggested by the gentleman.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BACHMANN. Yes.

Mr. BANKHEAD. I am in thorough agreement with the gentleman about deporting these people who are in this country unlawfully, and I raised that question before the Rules Committee the other day on the matter of a rule for a new immigration bill. I made the observation that it seemed to me that to relieve this labor situation instead of further restricting immigration to a minimum it would be much more effective to deport from 500,000 to 1,000,000 aliens here unlawfully, and the answer was that while that was something that ought to be done, we were unable to get the funds out of the Appropriations Committee with which to do it; is that true?

Mr. BACHMANN. That is just the trouble. The Appropriations Committee in the past, and I do not say this as any reflection on the Appropriations Committee, has failed to provide enough money for the Immigration Bureau to deport the aliens who are unlawfully in this country and who ought to be sent back. I understand they can not even take care of those who have been convicted of offenses and sentenced to our penal institutions.

The total number of dues-paying communists in this country does not exceed 12,000, but that does not indicate their real strength, any more than dues-paying socialists, which total about the same, indicated the socialist strength in the country, or the number of contributors to the Republican or Democrat Parties indicate the membership of the Republican or Democrat Parties. It is conservatively believed that there are at the present time between 500,000 and 600,000 communists and active sympathizers in this country.

From this it can be seen that the movement is gaining strength, and it is my conviction that so long as the Government permits these alien communists to practice their activities in the United States, just so long will they continue to increase.

The true communist is a fanatic. He believes thoroughly and completely in the principles of communism. He is not a patriot. America means nothing to him, even though he may be an American citizen. If the communists are ever

able to overthrow the Government of the United States, there will be no liberty according to the American conception of liberty. To the contrary, there will be an intolerable dictatorship of communist fanatics whose policies in turn will be dictated by the communist leaders in Russia. The United States will become a unit of the Union of Socialist Soviet Republics.

The communist says in effect: "I believe in free speech, but just long enough to establish a government under which it will disappear forever. I believe in liberty, but just long enough to create a social order in which liberty will sink into stagnating slavery. I believe in religious freedom, but just long enough to erect a soviet structure in which all forms of faith and worship, all symbols of religion, and all semblance of trust in God shall be banished from the earth. I believe in the right of assembly and debate to the end that I may create a system of government in which the right of assembly and debate will be seen and heard no more. I believe in the support of free labor and I call on the workingman to support me in this to the end that I may establish a soviet government which will with whip and lash, drive the laborer to his daily task. I believe in the abolition of capitalistic civilization in order that I may appropriate and live upon the heritage which will come to me when capitalism has been swept away."

Yet in view of all this, there are those who believe we should recognize Russia. If we were to say to Soviet Russia, "We recognize you and will let you alone," Soviet Russia is not willing to say to us, "We in turn recognize you and will let you alone." They demand that we recognize the Soviet Republic and let them alone, in order that they may recognize us and then use all means at their command in endeavoring to establish a soviet form of government in the United States.

We should not forget that we have in this country certain individuals and organizations, who, under the guise of "free speech," are giving considerable aid and comfort to this crowd of alien revolutionists. What they seek to accomplish by assisting them, I do not apprehend. What good they are doing American institutions, I can not see. What satisfaction is their reward, is beyond my understanding. To my mind, the principles of free speech, free press, and free assembly are worthy of organizations that stand for the American form of government, guaranteed by the Constitution, and for the ideals of Washington, Jefferson, and Lincoln, instead of individuals and organizations whose purpose is to uphold the communists in spreading revolutionary propaganda and inciting revolutionary activities in order to undermine our American institutions and overthrow our Federal Government.

The SPEAKER pro tempore. The time of the gentleman from West Virginia has expired.

CLERKS IN THE FOREIGN SERVICE—CONFERENCE REPORT

Mr. TEMPLE presented the conference report, for printing under the rule, on the bill (H. R. 9110) for the grading and classification of clerks in the Foreign Service of the United States of America and providing compensation therefor, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 5677. An act to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States; and

S. 5825. An act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the Bay of San Francisco from the Rincon Hill district in San Francisco by way of Goat Island to Oakland.

The message also announced that the Senate had concurred in House Concurrent Resolution No. 47, requesting the President to return to the House of Representatives the bill (H. R. 15876) entitled "An act to provide for the addi-

tion of certain lands to the Mesa Verde National Park, Colo., and for other purposes," for the purpose of permitting the correction of an error in the enrolled bill.

FILING OF SUPPLEMENTAL REPORT

Mr. IRWIN. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill H. R. 1702.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. The Chair now recognizes the gentleman from Ohio [Mr. CHALMERS] for 15 minutes.

UNEMPLOYMENT

Mr. CHALMERS. Mr. Speaker, the fear of poverty, unemployment, and the poorhouse have been the great dread of the human race through all the years. Revolutions are the children of mass resentment and despair and the grandchildren of hunger and unemployment. The one problem is unemployment. Solve that and you solve all the rest. This is particularly true of this period of civilization. Through the ages man has been slowly trained to labor. He is now an industrial animal. A creature of habit, he has adjusted himself definitely and permanently to the habit of daily labor hours. He is the fine product of toiling ancestors.

I quote some paragraphs from a paper written by my brother, Dr. Thomas Chalmers, professor of history of Boston University:

There grew up two classes of men—one numerous, the other limited—those who toiled under orders and those who toiled as effectively by pondering, deciding, studying conditions, weighing alternatives, judging crises, and giving orders. Here were the rudiments of our governing class and the rank and file of the plain folk.

Those racial types which took most naturally to the drudgery of daily toil and which, therefore, trained themselves to the arts of labor through generations of steady industry, eliminating the shiftless unfit by a natural selective process, were the types that endured. The lazy died out. Whether due to disease brought on by the hookworm or the tsetse fly, or malaria, or other pathological causes, those individuals and types lacking in the power of sustained and intelligent toil have been left by the roadside. Only in recent times has the new element of human sympathy set itself to the task of combating this particular selective process by saving and prolonging the lives of the weak and the physically incompetent. But this task itself displays a new superabundance of vigor and industry on the part of that advancing section of humanity whose industry is sufficient to provide for its own survival and for the survival of the unfit. In other days there was no such surplus of human industrial survival. It is the glory of the present industrial age that it is showing the will and almost the ability to provide for the survival of the weak as well as the strong or the unfit and the fit. Even in times of economic depression it still tackles that twofold task with a will. The quick, desperate determination which the powers of State and Nation, organized industry, and private charity are to-day marshaling and focusing on the problem of furnishing work for the workless and food and care for all leaves a deep impression on the mind of the student of economic history. The mood has changed in our own day. Only as recent as the Presidency of Grover Cleveland, "General" Jacob S. Coxey, a man still in active life, led an army of unemployed to the Capitol at Washington to beg the Government to do something for the starving masses willing to work. They came in peaceable detachments, but the protest was treated as a joke. The Capitol police arrested them for walking on the grass. Such was the mood of 1894. That is not the mood of to-day.

The craving for occupation is one of the most enduring of human traits. It is a wholesome craving. It is proof that though laziness is found here and there, it is essentially individual and occasional. It is not a permanent trait of any tribe or nation that has endured. Certain backward peoples of the rich warm climates have not been forced to steady habits of labor. They have developed the habits of indolence. They have lived from hand to mouth. In competition with the industrious type, they tend to pass out of the picture. This is true even in the warm climates which are supposed to be hospitable to indolence. Egypt was in a warm climate, and Chaldea. The Mediterranean climate is very gentle. But the stupendous monuments, relics of the Mediterranean civilization, are proof that even in the burning heat of Luxor, Egypt could be mistress of the world by the power of her industry. There are many pictures extant, portraying the contentment of Egyptian labor. Peasants are irrigating their gardens, herdsman are fattening their stock for the market, fruit growers are harvesting their grapes and

pomegranates, and the artist, whether true to life or in the quaintness of his humor, has placed baboon laborers in pomegranate trees.

No catastrophic social revolution such as we have found in ancient Egypt and in modern France ever struck Rome. The Tarquins were expelled and a republic was set up, but the common people were never driven by their misery to the massacre, overthrow, and exile of their aristocracy. The ruling classes were strong. In general, they treated the subject classes with consideration. When the plebes withdrew the patricians had sense enough to woo them back. They compromised like Englishmen. They made concessions and therefore they stayed in power. But they never solved the problem of unemployment. After the Roman conquest of Carthage and Greece their accumulated wealth flowed into Rome—food supplies, slaves, gold. The Roman proletariat was thrown out of work. The Italian truck farmer and fruit grower could not compete with slave labor. He moved into Rome and joined the masses of the unemployed. Here was the Roman populace, a constant source of danger to the Republic. They had the vote. The ruling classes pampered them. Wealthy, ambitious politicians employed clever agitators to play upon and control them. They were kept from starvation by doles of bread, and were amused by the games, gladiatorial shows, triumphal processions, and spectacles.

The Colosseum was built to hold them. In their politics and their pleasures they forgot their general uselessness and unemployment. They thought of themselves as the people—the Roman people—and as coupled in importance with the Senate. But they became the chief danger of the state because they accepted their condition of habitual unemployment as normal. As political leaders supplied them with bread and games they became but the tools and weapons of demagogues. It was a fateful day for Rome when her laboring classes settled down contentedly to accept doles and charities in place of employment.

That was the great danger recently avoided in this country by the enactments of the Seventy-first Congress in ordering the construction of public works and the great compromise on the \$25,000,000 dole.

The country owes a great debt to President Hoover, as history will show, for his persistent and effective opposition to the inauguration of the dole and unemployment insurance in place of the American way of caring for the poor and those who are temporarily out of work.

It is of little account whether for personal or political reasons you withhold from him to-day credit justly due him for this great patriotic service to his country. The historian will see to it that he shall receive his full measure of credit on the pages of history.

Did you hear Mr. Wile last night over the radio in his talk on Our Nation's Business? He showed its evil effects, particularly in England and Germany. He said that the English dole rate would give a man who was out of work and who had a wife and three minor children \$7.65 a week. This man preferred to take this and stay idle rather than take a job on a farm at \$7 per week, although the farmer was crying for help. He showed that the dole and insurance fostered poverty and idleness rather than helped to eliminate suffering and unemployment.

The frequent wars were followed by unemployment, starvation, and wretchedness among our European forefathers. Organized means to prevent poverty and disease were almost unknown before the sixteenth century. The unemployed joined the ranks of the beggars and the robbers and fought for alms or loot. The beggars survived in rags so long as the pennies came. The robbers were hanged. The sick and the hungry shivered, starved, and died in their hovels. Warfare, robbery, pillage are always disheartening to thrift and industry. In all ages there have been times of hardship and times of peace and prosperity.

The careful balancing of human needs and supplies provided for by the production of goods and purchase of goods is a delicate economic operation. Normally the needs of humanity are fairly uniform and steady. The number of human beings remains nearly stationary or increase at an even rate. The United States census shows that the population of this country averaged an increase of just about one-third every decade from 1790 to 1860. Since that time it has shown a slowing-up tendency. The general physical needs of humanity remain, therefore, year after year about the same. Industry and production have generally known what to count on. Changes in styles of dress or diet may make occasional readjustments necessary, but such readjustments have been easily made without upsetting the delicate balance.

History, however, has shown that great social readjustments like vast migrations of peoples, invasions, wars, national or international plagues result in the temporary arrest of normal production on the one hand or normal demand on the other, or such as create vast temporary changes in demand, are sure to have a disturbing, if not a devastating, effect on the delicate balance of economic civilization. The Hundred Years War brought on the peasants' revolt in England and the similar revolt of the jacquerie in France. In each case it was the uprising of hungry men. They were hungry because they lacked adequate employment at sufficient pay to feed their families steadily. In each case, as in every such revolution from ancient Egypt to Russian Bolshevism, it is the unemployed laborer who has listened to the orator of discontent till his head was turned. And then he has gone forth to pull down and destroy the men in power and to tear up society by the roots.

The recent uprising of the hungry farmers in England, Ark., illustrates this frenzied condition. Five hundred farmers shouted, "Give us food for our starving families." They stormed the business section of England, Ark., and a short time later 265 of them were given \$2.75 each in provisions by the Red Cross.

The farmers came from what was a rich agricultural region around England until ravaged by last summer's drought. Most of them have hitherto been prosperous. George Morris, an attorney, addressed the farmers as they congregated in the business section with threats to take food by force from the merchants. His speech, however, was interrupted by the refrain, "Give us food for our starving families." "Our children are crying for food and we are going to get it," one man shouted. "We are not going to let our children starve," said another. "We want food and we want it now." "We are not beggars," another pushed forward to explain. "We are willing to work for 50 cents a day, but we're not going to starve and we are not going to let our families starve. Give us work and we'll not come back."

This is only an example of what has been disturbing the authorities in the drought-stricken sections of the South and Southwest. We can theorize all we like about what the Government should and should not do about meeting this abnormal condition. From experience I have tried to show you historically what has happened to governments that have tried to oppose and stand up against peoples frenzied by unemployment and hunger.

Naturally the human animal is restless. He wants work. If he can not be employed in worth-while constructive effort he becomes the victim of the preacher of destruction. In the work of revolutionary devastation he and his class have usually been the greatest sufferers in the end, though the men who have led him often escape. Fouché, the leader of the bloodthirsty, the regicide, the director of the massacres of Lyon, lived through all the changes—Reign of Terror, Directory, Consulate, Empire, and was Minister of Police under Louis XVIII. And there was Talleyrand, too.

Revolution is violence. Violence is the last thing which the delicate adjusting of the balance of economic civilization needs. Violent oratory is the mother of violent deeds.

There are two classes in the industrial organization above referred to. We are giving most of our thought to the laborer who is unemployed. He has not failed in his job. His work has been faithful. He is ready and willing to continue. His job is a laborious one, but it is not as difficult as the job which the industrial leader fills. Together with the power of toil must go the power of inventive initiative if a race is to endure industrially. The inventive initiative is the function of the industrial leader. This function was of only moderate demand in the old days. It is a strenuous task to-day. It has reached a high stage of efficiency in the United States. The people of this country, from New England westward, have shown a marked genius for invention. The race has shown an alert, progressive spirit. The inventive Yankee is the typical American of to-day. But the organizer of industries, finance, and big business has overdone himself. He has multiplied the products of the laborer in his own laboratory and in his office. His efficiency has

been so great that the consuming population have failed to keep pace with his products. As a director and leader of the industrial machine his business has been to keep the laborer supplied with work. To that end he must market the product of labor as it is produced. His technological efficiency has contributed to the breakdown of industrial leadership. He therefore faces the unemployed laborer with a hangdog expression on his face.

The laborer has not failed. The industrial leader has. What can he do about it? Nothing—until the consumer comes to his rescue. And here again let us not be led astray. Overproduction is not so great as we have been picturing it. If wheat has fallen in price, it is not because there are no hungry people in the world who would buy it. There are mouths enough in the world for all the food that exists. There are feet enough in the world for all the shoes that are made. There is not a blanket nor an overcoat nor a picture nor a doll nor a book for sale which some man, woman, or child would not like to possess. The difficulty goes into the deep intricacies of exchange and finance. There is wealth enough in the world, there is money, but there is also fear. Men have been frightened by their losses. There has been a series of losses in a descending scale of prices; but there is a bottom somewhere, and when that bottom is reached a slow and steady rebound will have begun. Once more the man who labors and the man who plans will be in cooperation, and happy days will come again.

My colleagues, you are Members of the greatest legislative body in the greatest Nation of the world. I call your attention to a bill that will probably be up for consideration before the close of this session of Congress, introduced in the House by our colleague, the gentleman from Massachusetts [Mr. GIFFORD], to change the date of the inauguration of the President of the United States and to eliminate the short session of Congress.

Many people wonder why the 4th of March was set as the date to begin the new administration when the election comes in November. You and I know that in this wonderful history of the United States of less than a century and a half that when our forefathers wrote the Constitution of the United States they arranged it so that the representatives from the furthestmost regions of the country would have time to reach Washington before the inauguration of the President. I come quite a number of miles myself to reach the Capital City, and it takes me two days to drive from my district, Toledo, Ohio, to Washington. When one of our legislative committees was investigating an air tragedy a few years ago the chairman in charge said to an officer of the Army, "We would like to have Captain Blank testify before us; when can we have him, and where is he?" The reply was, "He is in Selfridge Field, Mich." "When can we have him?" "This afternoon." The Army officer sent a wireless to Mount Clemens, Mich. The pilot telephoned out to his home for an overnight bag, mounted his plane, 20 miles north of Detroit, made a record flight to Bolling Field, and in 2 hours and 55 minutes he landed in Washington. That afternoon at 3 o'clock he took the stand and testified before the committee. This was a record three years ago. The record was again smashed this week.

Sunday night after 6 o'clock a squadron of airplanes, 19 in number, came from Selfridge Field, Mich., to Washington and made a demonstration of a quick defense of our city, coming from Detroit in 2 hours and 30 minutes. What wonderful progress we have made since our forefathers wrote the Constitution a few years ago.

I spent two months last fall in Webster Groves, Mo. My next-door neighbor was a woman, active, mentally and physically, 95 years of age. She was a member of the family of the dean of Washington University. Her father was alive when the Constitution of the United States was written.

I had an opportunity within the last three and a half years to make a trip around the world. Among other countries, I visited India. Near Calcutta I saw farmers plowing with a cow hitched to a crooked stick, tickling the soil and irrigating in little ditches from buckets drawn from a well.

They were tilling the soil as they did in the times of Abraham, Isaac, and Jacob.

Then I visited Egypt, that great country with a history extending back more than 4,000 years. Compare that country to-day with the United States of America.

Why, my friends, this is a miracle Nation. The history of this country is miraculous.

Within my lifetime the United States of America under the fostering, encouragement, and care and protection of the Constitution of the United States, has accumulated more wealth, more luxury, more comforts of life than all of the nations of the world in all of the more than 6,000 years of human history. It is a miraculous record.

I want to say that, while we have been passing through a business slump, we have passed the turn—I think business is now on the up-grade—my friends, I believe that under the matchless leadership of President Hoover, in my judgment, the greatest Executive in the world to-day, we will go on to a prosperity that has been unknown even in this country. [Applause.]

CONDITIONS OF THE WORKING PEOPLE

The SPEAKER pro tempore (Mr. COOPER of Ohio). The Chair recognizes the gentleman from New York [Mr. LA GUARDIA] for one hour.

Mr. LA GUARDIA. Mr. Speaker, I ask unanimous consent that my time may be reduced to 30 minutes, and that the gentleman from South Dakota [Mr. WILLIAMSON] may be recognized for 30 minutes, following me.

The SPEAKER pro tempore. Without objection, it is so ordered.

Mr. LA GUARDIA. Mr. Speaker, my colleague from New York [Mr. FISH] promised the House that he would address the House on the subject that his special committee has investigated, and I shall reserve the opportunity to reply to some of the recommendations made by the committee after Mr. FISH has addressed the House.

In the meantime I want to call the attention of the House to the necessity of doing something constructive, something real, something tangible, to better the conditions of the working people in this country. [Applause.] That is my answer to communism—to remove the cause of complaint, to take away the argument of the agitator and do something that will make life easier and better for the great masses of the working people of this country. [Applause.]

Mr. Speaker, one measure has been before this House for nearly eight months, Senate bill 3060, a bill to provide for the establishment of a national employment agency, known as the Wagner bill, introduced by the junior Senator from my State. The bill came over from the Senate, and the Committee on the Judiciary held extensive hearings on June 11 and June 12, 1930. Both sides were heard. The Federation of Labor came before the committee and indorsed the bill and begged for its enactment. The Manufacturers' Association came before the committee and raised 57 varieties of constitutional objections. I have yet to hear of any constructive, progressive, social welfare legislation that the exploiters of labor in this country have not raised a constitutional objection to.

But we have some good lawyers on that committee. There are some good lawyers in the Senate. They saw through the flimsy objections and reported the bill favorably. It has passed the Senate—it awaits the action of the House. There is no question as to the constitutionality of Senate 3060. The committee reported out that bill, Judge GRAHAM, of Pennsylvania, and Judge TUCKER, of Virginia, dissenting and filing a minority report. The bill has been on the Calendar of this House since June 26, 1930. On two occasions the Committee on the Judiciary voted to authorize the chairman of the committee to take such steps as may be necessary, either by rule or suspension, to bring the bill before the House. That was done. The Committee on Rules two days ago authorized the Committee on the Judiciary to call up this bill. It now has a preferential status, and on any day designated the Committee on the Judiciary will have a day, and can call up this bill and the House will have the opportunity to consider it. It is not a radical bill.

It is simply to establish a system of employment agencies throughout the United States, the Federal Government co-operating and coordinating with each State, the State taking over its local agency, receiving aid from the Federal Government, thereby working in unison—a comprehensive system of employment agencies for the exchange of information and for the location of employment.

I shall give you more details of the bill in a few minutes, but my purpose to-day is to call attention to some legislative trickery which would deprive this House of an opportunity of voting on this measure. I pause just a moment to warn the membership that, when our committee comes before the House under the rule, to be present, stay on the floor, and to vote down any and all motions to adjourn until the bill is passed. In all likelihood several small popgun bills will be called ahead of this important measure in order to kill the day. I warn the House against a filibuster on this bill. I know the House will not stand for that. But, Mr. Speaker, much to my surprise the other day in committee we received a communication from a member of the committee that the Secretary of Labor desired to be heard on the bill. The bill has been out of the committee since June 26, last, and now the Secretary of Labor, Mr. Doak, wants to be heard! I am writing this letter to Mr. Doak to-day, and I ask the Clerk to read it in my time.

The SPEAKER. Without objection, the Clerk will read. There was no objection, and the Clerk read as follows:

FEBRUARY 17, 1931.

Hon. WILLIAM N. DOAK,
Secretary of Labor, Washington, D. C.

MY DEAR MR. SECRETARY: Greatly to my surprise, Representative DYER informed the Committee on the Judiciary of the House yesterday that you desired to appear before the committee on Senate bill 3060, a bill to provide for the establishment of a national employment system. I gathered the impression that your message indicated that you were opposed to this bill. The purpose of obtaining additional hearings or suggesting any change at this time can have but one result, and that is to defeat this very necessary and important legislation. I am sure you do not want to place yourself in that position.

Extensive hearings were held on this bill, not only by the Senate committee but by our committee on June 11 and June 12, 1930. The bill was thoroughly debated, studied, and considered, and was reported favorably (Representatives GRAHAM and TUCKER filing a minority report) on June 26, 1930. It has been on the calendar of the House nearly eight months. A few days ago the Committee on Rules, acting on the recommendation made by the Committee on the Judiciary and in response to a general demand by the majority of the Members of the House who are eager to vote for that bill, and in keeping with widespread interest throughout the country for just this kind of legislation, it was given preferential status by a rule authorizing the Committee on the Judiciary to call it up for consideration by the House. You will, therefore, see that the committee no longer has the bill under its control.

You can readily understand that the Manufacturers' Association, the employers of scab labor, employers who are taking advantage of the present depression to pull down wages, and all other opponents of the bill might well misconstrue your purpose and use it as an argument to prevent consideration of the bill based entirely on your opposition.

Surely, with the experience of the past and with the hardships and suffering of unemployment to-day, no one can deny the necessity of some form of coordinated Federal and State agency to gather and correlate information and to assist labor in finding employment. The necessity of Federal and State cooperation in this matter is so apparent and the discussion and the opposition before the committee failed, according to my opinion, utterly.

Organized labor throughout the United States without exception is united for this bill and clamoring for its passage. I am informed that at a conference of labor leaders which you attended here in Washington this position was plainly stated.

I thought it proper to call the parliamentary situation of the bill to your attention and to point out the danger of any interference at this time with only a few legislative days remaining before the close of Congress. The critical conditions of the country demand this legislation without further delay. Labor not only looks to Congress but looks to its representative in the executive branch of the Government for support of this bill.

Will you, therefore, in view of the urgency of this legislation, kindly declare your support and approval of Senate 3060.

With kindest personal regards, I am

Sincerely yours,

F. LA GUARDIA.

Mr. LA GUARDIA. Mr. Speaker, the Secretary of Labor, as stated in my letter, is labor's representative in the executive branch of the Government. It is too late now to seek to insert a comma or to dot an "i" on a bill which has

passed the Senate and has been on the calendar of this House for eight months, and for the consideration of which a rule has just been obtained. It is stated—I don't know how true it is—that there is objection to S. 3060, reported favorably by the Committee on the Judiciary, because it creates too much power in the Federal Government. Mr. Speaker, I hold in my hand and I shall read into the Record the so-called Doak bill, which takes away every feature of State coordination provided for in Senate 3060. I can not understand an attempt which seeks to delay, to hamper, to retard, to prevent consideration of a bill which has been so carefully studied, changed, and amended by bringing in, in the last moments of the Congress, a new proposition which in its effect is more objectionable to the very grounds of the opposition than the bill now before us, and at this point I shall read the Doak bill for the information of the House:

A bill to provide for the establishment of a national employment system

Be it enacted, etc., That there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be an Assistant Secretary of Labor, whose title shall be Third Assistant Secretary of Labor. He shall be appointed by the President and receive a salary of \$9,000 per annum. He shall perform such other duties as shall be prescribed by the Secretary of Labor.

SEC. 2. The Secretary of Labor is authorized to transfer to the said bureau such officers, clerks, and employees of the existing employment service, Department of Labor, as he shall deem necessary in carrying out the purposes of this act, and he is authorized to appoint and to fix the compensation of such other officers, clerks, and employees as may be necessary to carry out the provisions of this act. The compensation of positions within the District of Columbia shall be fixed in accordance with the classification act of 1923, as amended.

SEC. 3. The function of the said bureau shall be to advance opportunities of employment for men, women, and minors who are legally qualified to engage in gainful occupations, and to coordinate the public employment offices maintained by the United States, any State, municipality, or any other political subdivision by collecting, compiling, furnishing, and publishing information as to opportunities for employment, and by establishing and maintaining a system for clearing labor between the several States and between such States and the District of Columbia. The said bureau shall also have authority to establish and maintain free public employment offices in the several States and in the District of Columbia for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ other persons.

The Secretary of Labor is authorized to conclude with any Federal, State, municipal, or other official bureau or agency arrangements under which public employment offices authorized by this act may be maintained in cooperation with any such Federal, State, municipal, or other official bureau or agency: *Provided,* That in any State where there is a system of public employment offices operated in whole or in part by the State any such arrangement for cooperation between the State or such offices and the public employment offices authorized by this act shall be subject to approval by the governor of such State as well as the Secretary of Labor.

SEC. 4. In carrying out the provisions of this act the Secretary of Labor is authorized and directed to provide for the giving of notice of strikes and lockouts to applicants for employment.

SEC. 5. This act shall take effect — and thereupon the unexpended part of any existing appropriation for the employment service, Department of Labor, shall be available for expenditure in carrying out the provisions of this act.

Mr. Speaker, I shall at this time, with the permission of the House, give an analysis of each section of Senate bill 3060, so that it will follow this proposed new bill and the Members may make their own comparison.

EMPLOYMENT OFFICES—ANALYSIS BY SECTIONS OF S. 3060

Section 1. United States Employment Service: The United States Employment Service is created as a bureau in the Labor Department, under a director general receiving a salary of \$8,500 per annum. The existing United States Employment Service is abolished.

Section 2. Civil Service.

Section 3 (a). Functions of the Employment Service:

First. To establish and maintain a national system of employment offices.

Second. To cooperate in establishing and maintaining State employment offices.

Third. To coordinate employment services throughout the country by: (a) Publishing information; (b) maintaining a clearing system; and (c) establishing uniform standards of procedure.

Section 3 (b). The act shall be administered by the United States Employment Service. The cost of the administration shall not exceed 5 per cent of the amounts appropriated under this act.

Section 4. State acceptance: In order to receive the benefits of state-aid appropriations a State must accept the provisions of the act and designate an agency to cooperate.

Section 5 (a). Appropriations authorized: \$4,000,000.

Appropriations distributed: 75 per cent for State aid in proportion to population; 25 per cent for administration [limited to 5 per cent under section 3 (b)]; and Federal employment offices and other functions of the Federal service.

State contributions: In order to receive a state-aid grant the State must appropriate an amount equal to the state-aid grant, which must be not less than 25 per cent of the amount apportioned to the State, and not less than \$5,000.

Section 5 (b). Details in the expenditures of the moneys appropriated.

Section 6. Methods of apportionment: The apportionment must be made within 60 days after an appropriation, and the amount necessary for administration and the amount apportioned to each State must be certified to the Secretary of the Treasury and to the treasurers of the several States.

Section 7. Certification: Within 60 days after appropriation the director general must ascertain whether the State has accepted the provisions of the act, the amount appropriated by the State, and whether the State has complied with the requirements of this act. The director general shall then certify to the Secretary of the Treasury the amount to be paid to each State.

Section 8. Approval of State plans: In order to secure the benefits of this act the State must submit and secure the approval of its plans from the director general.

Section 9. State reports; revocation of certificates: State agencies shall make reports to the director general, and the director general may revoke or withhold certificates if the State agency has not properly expended the money appropriated or paid to it. Appeal may be taken to the Secretary of Labor.

Section 10. Temporary provisions for a period of three years: (a) Where no State system of offices is in existence the director general may maintain a Federal system with funds apportioned to the State; (b) where there is a State system but no compliance with section 4, the director general may maintain a cooperate system by agreement with the governor of the State.

Section 11 (a). Advisory councils: The director general shall establish advisory councils of employers and employees.

Section 11 (b). Strikes and lockouts: Applicants for employment shall be given notices of strikes and lockouts.

Section 11 (c). Specialization offices: Under this act the director general may provide for the establishment of offices for individual occupations.

Section 12. Rule-making power: The director general, with the approval of the Secretary of Labor, may make rules and regulations.

Section 13. Franking privilege: Postmaster General directed to extend the franking privilege to Federal offices and to cooperating State offices.

The American Federation of Labor, representing organized labor in this country, is in favor of the Wagner bill. It has no other bill to offer on the subject of national employment agencies. It wants no substitute, and the American Federation of Labor is in a position to speak for labor in this country. Under date of February 16, 1931, Mr. William Green, president of the American Federation of Labor, in a letter addressed to me, said:

AMERICAN FEDERATION OF LABOR,
Washington, D. C., February 16, 1931.

HON. F. H. LA GUARDIA,
House of Representatives, United States Congress,
Washington, D. C.

MY DEAR CONGRESSMAN LA GUARDIA: Permit me to appeal to you and, through you, to your associate Members of the United States House of Representatives to vote for the passage of Senate bill No. 3060. Laboring people are deeply interested in this proposed legis-

lation. The widespread unemployment conditions prevailing throughout the country emphasize the necessity of the enactment of legislation of this kind.

Through the establishment of a nation-wide system of employment offices, as provided for in Senate bill No. 3060, men and women rendered idle through mechanical displacement, seasonal and periodical unemployment, can be materially assisted in seeking and securing new employment. This is particularly true of the thousands of working people who are constantly being thrown idle because they have been displaced through the introduction of new and improved machinery. The tragedy of our industrial situation is reflected in the fact that hundreds of thousands of working men and women are thrown out of work unprepared and without warning simply because new machines or improved machinery performs the work which human hands had formerly done. This class of people not only suffers from unemployment but also suffers from the destruction of skill acquired through years of training. They lose their jobs and their skill as workers, simultaneously. All this seriously affects standards of living built up as the worker became more proficient as a skilled and trained mechanic.

In every city and town within the United States there are many skilled mechanics who have been displaced through the introduction of machinery and have been forced to seek work as common laborers at a greatly reduced income. Unfortunately society, through organized government, has failed to meet the requirements of this tragic situation. The least they could do would be to render assistance to workers thus displaced and to extend them the help which an employment agency only could give under such circumstances.

Senate bill No. 3060 combines strength with the highest degree of cooperation. It unites local and national employment offices under local initiative, with local management and local responsibility. It destroys duplication and centralizes in employment agencies the best obtainable expert and trained service. In my opinion, it represents the best plan yet devised for the establishment of practical, constructive, employment-agency service.

Employment agencies, such as proposed in the Wagner bill, would assemble information regarding opportunities for employment, localities where it might be possible for a skilled worker to find a new position, and would give expert advice, through trained employment agencies, which would be very valuable and helpful. Under the present situation the displaced worker, facing a tragic situation such as I have just described, suffering very greatly, not only from a loss of employment but also a loss of skill, is subjected to further exploitation through private employment agencies.

Labor wishes that the Government shall meet this situation, discharge its obligations, assist displaced idle workers, render all service possible, and protect those who are suffering physical and mental distress because of unemployment at a time when the need is greatest.

There are other reasons why this measure should be passed promptly. I am sure that many of these convincing reasons have been brought to the attention of your colleagues in the House of Representatives.

In behalf of the working people of the United States, I not only request but I earnestly and sincerely appeal for the enactment of Senate bill No. 3060 promptly and expeditiously.

Sincerely yours,

WM. GREEN,
President American Federation of Labor.

I am sure that it is the function and the duty of the Department of Labor to confer with the representatives of labor who represent labor's viewpoint in the councils of the Cabinet and before the committees of Congress. Business, commerce, and industry have the Department of Commerce to look after their interest. It is not for the Secretary of Labor to pass upon questions of the constitutionality of any proposed bills. We have an Attorney General for that.

MR. MICHENER. Mr. Speaker, will the gentleman yield?

MR. LA GUARDIA. Yes.

MR. MICHENER. Has the Secretary of Labor passed on the constitutionality, or attempted to do it, in this case?

MR. LA GUARDIA. I stated before my colleague on the committee came on the floor that we had received a request from Secretary Doak to be heard at this late hour.

MR. MICHENER. But is that on the question of constitutionality?

MR. LA GUARDIA. No, no. That was on the Federal power, as I understood it. I have just read to the House a letter which I had written to Mr. Doak.

MR. MICHENER. I did not want to interfere, but I did not understand the Secretary had said anything about constitutional power.

MR. LA GUARDIA. No. I am only anticipating that.

I think the Secretary of Labor is labor's representative in the Executive branch of the Government, and the Department of Commerce can look after the Manufacturers' Association and the industries in their end of legislation.

Mr. Speaker, I stated a moment ago that the American Federation of Labor represented organized labor in this country. We have another great organization of labor representing the railroad men, the trainmen, and I have here a letter from the president of the Brotherhood of Railroad Trainmen, dated February 7, 1931, addressed to Hon. ROBERT CROSSER, Hon. C. C. BOLTON, and Hon. C. A. MOONEY, of the House of Representatives, which indicates the approval of this great labor organization to the bill. I will read:

BROTHERHOOD OF RAILROAD TRAINMEN,
Cleveland, Ohio, February 7, 1931.

Hon. ROBERT CROSSER,
House of Representatives, Washington, D. C.
Hon. C. C. BOLTON,
House of Representatives, Washington, D. C.
Hon. C. A. MOONEY,
House of Representatives, Washington, D. C.

DEAR CONGRESSMEN: Just a line to call your attention to the importance of this session of Congress passing the Wagner bill (known as S. 3060). The passage of this proposed legislation for a more effective State-Federal system of public employment offices is greatly needed to supply information impartially to employers and workers; to furnish the facilities for the clearance of information across State lines, which will greatly reduce the time between jobs.

This bill was passed by the Senate about nine months ago and favorably reported by the House Judiciary Committee last June. It is still on the House Calendar awaiting a vote. It is very important that the bill be enacted before the present Congress adjourns March 4, and I urge you to give it your hearty cooperation.

Very truly yours,

A. F. WHITNEY, President.

So we have two great organizations representing labor endorsing this bill, asking for no change, and pleading for its enactment before March 4, with only a few remaining legislative days.

When this question of the new bill was interjected in the closing days of the session, the American Association for Labor Legislation addressed this telegram to various State officials:

FEBRUARY 6, 1931.

Difference of opinion has arisen at Washington as to whether individual States would prefer Federal cooperative supervision and financial aid in development of State employment offices or would rather have National Government set up its own employment offices in the States, with cooperative relations with existing State offices but no Federal financial aid. Please wire your preference.

AMERICAN ASSOCIATION FOR LABOR LEGISLATION.

Mr. Speaker, with the permission of the House, I will read the replies from different States, stating unequivocally their preference for the system provided for in Senate bill 3060, as follows:

Federal cooperative supervision and financial aid much superior. Centralized operation even if it did not break down of its own weight would mean duplication or at least friction with State offices and less assurance that needs of communities would be served. (F. M. Wilcox, chairman Industrial Commission of Wisconsin.)

Prefer Federal supervision and financial aid of State employment offices rather than Federal offices. (B. M. Squires, chairman general advisory board of Illinois State Free Employment Service.)

Control of public employment offices by State department of labor essential for success due to their experience, reputation, and collateral services to employers. War experience with Federal employment service still unfortunately affects employers opinion. Federal cooperative supervision and financial aid most preferable and acceptable to New Jersey. (Russell J. Eldridge director, bureau of employment, New Jersey State Department of Labor.)

Ohio prefers Federal cooperative supervision and financial aid on development of State employment offices. The Federal Government itself should operate no local office. (T. A. Edmondson, director department of industrial relations.)

Strongly favor the first and opposed to the second. The second is undesirable, because it would cause unending friction between the Federal offices within a State and the State offices. It would not result in building a strong permanent State system which is chiefly desired. (Frances Perkins, industrial commissioner, New York State Department of Labor.)

The prevailing opinion in Michigan is in favor of Federal cooperation and financing aid in conjunction with State and municipal development of employment offices. (Samuel G. Beattie, commissioner of labor, Michigan Department of Labor and Industry.)

We think it would be a mistake to have Federal and State Governments operating separate employment offices and thus compete

for placements. Federal cooperative supervision and financial aid in development of State employment offices is best, provided we define the word "supervision," which is all important under any cooperative arrangement. (Will J. French, director California Department of Industrial Relations.)

Prefer development of State employment offices with Federal cooperative supervision and financial aid. Otherwise duplication of effort will destroy State autonomy. (John Hopkins Hall, jr., commissioner, Department of Labor and Industry of Virginia.)

Replying to your telegram, prefer and urge Federal cooperative supervision and financial aid in development of State employment offices. (Edward F. Seiler, chief Kentucky Department of Labor.)

Prefer Federal cooperative supervision and financial aid in development of State employment offices. (Frank D. Grist, commissioner, North Carolina Department of Labor and Printing.)

Present arrangements with United States Employment Service in New Hampshire satisfactory. Should United States set up its own employment offices, it would be a duplication of work already being done by State service. Such plan would tend to federalize what should be in so far as possible a State function. United States Employment Service in my opinion should act as a clearing house for all surplus labor as at present. (John S. B. Davie, commissioner, New Hampshire Bureau of Labor.)

If the Federal Government wishes to expend any money on the free employment service it can be done with the best results through the respective States. We wish to emphasize that in our judgment to have a situation where the Federal and State Governments were competing in an attempt to furnish employers and employees free employment service would be the biggest mistake that could possibly be made. (J. D. Williams, Minnesota Industrial Commission.)

Gentlemen, this bill is not something new or novel, or something in the experimental stage. It has had the benefit of the best thought in the country. And in a letter sent to the President of the United States by the American Association for Labor Legislation, signed by the leaders of thought in this country on legislation affecting the welfare of workers and affecting the welfare of the country, they make this appeal under date of February 14, 1930:

AMERICAN ASSOCIATION FOR LABOR LEGISLATION,
New York City, February 14, 1931.

The Hon. HERBERT HOOVER,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: For 15 months the industrial districts of the United States have been suffering from unemployment. Nine months ago Senate bill 3060, known as the Wagner public employment office bill, passed the Senate. It was reported favorably by the House Judiciary Committee last June and still stands on the House calendar awaiting a vote.

We believe that it would be a tragedy if this Congress adjourns without enacting this measure into law, which would rehabilitate the Federal Employment Service, and would lay the groundwork for an effective cooperative system of employment exchanges operated by the States with national supervision and financial encouragement.

The enactment of constructive legislation along these lines would give encouragement to people everywhere in the midst of the present emergency. We urge you from now on to throw the whole weight of the administration behind the enactment of this measure before March 4.

Respectfully,

John B. Andrews, Secretary, American Association for Labor Legislation, New York City; Jacob Billikopf, Impartial Chairman, Men's Clothing Industry, Philadelphia; Henry Bruere, Bowery Savings, Bank; Robert E. Chaddock, Columbia University; Joseph P. Chamberlain, Columbia University Law School; Howard Cullman, Commissioner, Port of New York Authority; Edward T. Devine, Housing Association; Paul H. Douglas, University of Chicago; Ernest G. Draper, Vice President, Hills Bros. Co.; John A. Fitch, New York School of Social Work; Mary Gilson, Industrial Relations Counselors, Inc.; Helen Hall, Federation of Settlements; William Hodson, Welfare Council of New York City; Fritz Kaufmann, Division of Employment, New York Department of Labor; Paul U. Kellogg, The Survey; Mary LaDame, Executive Secretary, New York State Advisory Council on Employment Problems; Sam A. Lewisohn, New York City; Frances Perkins, Industrial Commissioner, New York State Department of Labor; Harlow S. Person, Taylor Society; Louis Resnick, Welfare Council of New York City; Mary van Kleec, Russell Sage Foundation; Lillian D. Wald, Henry Street Settlement; F. W. Taussig, Harvard University; Julian W. Mack, New York; William Church Osborn, attorney; H. A. Millis, University of Chicago; Broadus Mitchell, Johns Hopkins University; John A. Ryan, Catholic Welfare Council; Irving Fisher, Yale University; Bernard J. Rothwell, Bay State Milling Co.; H. V. Kaltenborn, Brooklyn Daily Eagle; Mary E. Woolley, Mount Holyoke College; M. B. Hammond, Ohio State University; George W. Alger, attorney, New York; Beulah Amidon, The Survey, New York; Irene Osgood Andrews, American Association for Labor Legislation; Frank L. Anderson, International Baptist Seminary, New Jersey; Walter J. Black,

New York; Bruce Bliven, New Republic; Ernest S. Bradford, Economist, New York; Alfred A. Briggs, New York; F. N. Brewer, merchant, Philadelphia; John M. Brewer, Harvard University; Robert J. Caldwell, New York; Charlotte Carr, Charity Organization Society; Mollie Ray Carroll, University Settlement, Chicago; F. Stuart Chapin, University of Minnesota; Mrs. Kate H. Claghorn, New York School of Social Work; Raymond Clapp, Welfare Federation of Cleveland; Victor S. Clark, Library of Congress, Washington, D. C.; Mrs. Ethel Clyde, New York City; Cornelius Cochrane, New York; Dorothy P. Coffin, New York; Joanna C. Colcord, Russel Sage Foundation; Mrs. George W. Coleman, Wellesley, Mass.; Abraham Cronbach, Cincinnati; Albert L. Deane, General Motors Holding Corporation; Dorothea de Schweinitz, Philadelphia; Mary Dewson, Consumers' League of New York; Martha Draper, New York; Stephen P. Duggan, Institute of International Education; Edwin L. Earp, Drew Theological Seminary, Madison, N. J.; Russell J. Eldridge, State Director of Employment, New Jersey; John Lovejoy Elliott, Hudson Guild, New York; John H. Fahey, Worcester Evening Post; Gregory Feige, Manhattan College; Herman Feldman, Dartmouth College; Edwin Fitch, New York; Meredith B. Givens, Social Science Research Council; Josephine Goldmark, New York; Willystine Goodsell, Columbia University; Bennett F. Gordon, Worcester; G. G. Groat, University of Vermont; Robert L. Hale, Columbia University; Olga Halsey, author, New York; Mrs. C. J. Hamlin, League of Women Voters, Buffalo; Hornell Hart, Bryn Mawr College; Emery R. Hayhurst, Ohio State University; B. W. Heubsch, publisher, New York; Amy Hewes, Mount Holyoke College; Sidney Hillman, Amalgamated Clothing Workers; Fred K. Hoehler, Department of Public Welfare, Cincinnati; A. N. Holcomb, Harvard University; Jane Howard, Young Women's Christian Association, Niagara Falls; Mrs. Edmund N. Huyck, Albany; Raymond V. Ingersoll, Cloak, Suit, and Skirt Industries, New York; F. Ernest Johnson, Federal Council of Churches; Samuel Joseph, College of the City of New York; Elizabeth B. Kirkbride, Albany; Mary B. Kirkbride, Albany; Hazel Kyrk, University of Chicago; Corliss Lamont, teacher, New York; Benson Y. Landis, Federal Council of Churches; Loula Lasker, New York; Henry W. Lawrence, Connecticut College; Henry S. Leiper, Federal Council of Churches; William M. Lelerson, Antioch College; J. E. LeRossignol, University of Nebraska; Edward D. Lynde, Cleveland Associated Charities; David A. McCabe, Princeton University; Marion K. McKay, University of Pittsburgh; Terrence J. McManus, New York; Elizabeth S. Magee, Ohio Consumers' League; Amy G. Maher, Toledo; Bleecker Marquette, Cincinnati Public Health Federation; Margaret C. Maule, Bryn Mawr College; Lucia Ames Mead, Boston; Royal Meeker, New Haven; Frieda Miller, New York Department of Labor; Edwin Knox Mitchell, Hartford Council of Churches; James Mullenbach, Chicago Church Federation; James Myers, Federal Council of Churches; Cecil C. North, Ohio State University; Henry T. Noyes, manufacturer, Rochester; George L. Paine, Greater Boston Federation of Churches; Mrs. Alton B. Parker, New York; Mrs. Edgerton Parsons, New York; Allon Peebles, Washington, D. C.; Helen M. Priest, Canandaigua, N. Y.; Mary A. Priest, Canandaigua, N. Y.; Fanny B. Orr, Canandaigua, N. Y.; Florence M. Read, Spelman College; Stuart A. Rice, University of Pennsylvania; Frederick B. Robinson, College of the City of New York; Winifred J. Robinson, University of Delaware; William Walker Rockwell, Union Theological Seminary; Rabbi Leonard J. Rothstein, New York; Rose Schneiderman, Women's Trade Union League; B. C. Seiple, State-City Employment Service, Cleveland; Mrs. Mary Simkhovitch, Greenwich House; Truman J. Spencer, Connecticut Chautauqua; Louise Stitt, Ohio State University; Arthur E. Suffer, Federal Council of Churches; Linton B. Swift, Family Welfare Association; Ordway Tead, Harper Brothers; Worth M. Tippy, Federal Council of Churches; Jean Burnet Tompkins, League of Women Voters; George Trafton, New York; R. L. Tweedy, Manufacturers' Research Association; Francis Tyson, University of Pittsburgh; Tertius Van Dyke, Washington, Conn.; Richard H. Waldo, McClure Newspaper Syndicate; Mabel Walker, New York; James P. Warbasse, Cooperative League of the United States; Schuyler N. Warren, jr., New York; Lucy Carlile Watson, Utica, N. Y.; S. Wirt Wiley, Y. M. C. A., Rochester; Rabbi Stephen S. Wise, New York; Caroline B. Wittmann, Hoboken, N. J.; Chase G. Woodhouse, Greensboro, N. C.

Mr. Speaker, it will be seen that the signers and indorser of the bill cover every section of the country, almost every institution of higher education, and represent the best thought in the country.

Mr. MICHENER. Will the gentleman yield?

Mr. LA GUARDIA. I yield.

Mr. MICHENER. The gentleman is familiar with the terms of the bill. Is there any suggestion that this bill will

have any effect whatever on the present unemployment situation? Is not this one of those bills which seeks to prepare for the future, and if it becomes law, the most that could happen now would be the appointment of several new officials in the Government to set up this machinery which we might hope would be effective within 15 or 16 years? The gentleman is familiar with the bill. I understand he is familiar with it, at least.

Mr. LA GUARDIA. If my colleague will permit, several times on the floor of this House I stated that our big task at the present time is to profit by the experience of the distress and hardship with which this country is now confronted, and to provide ways and means and legislation to prevent a repetition of such conditions. It is our duty to provide now, to at least lessen the misery and hardship when such periods of depression come upon us.

May I say to the gentleman, conceding that this will not immediately create jobs, ipso facto, it will at least start a branch of the Government, systematically engaged in a study of conditions, in an exchange of information, coordinating and cooperating and supplementing State activities, and thereby be able to guide labor as to available work in normal times as well as future periods of unemployment. The fact that nothing immediately will come from it is no justification to continue to delay this bill. We must pass it by March 4 in order that it may become law, because if we fail to take action before March 4 we will not reconvene until December, and we will not get any action on it until 1932.

That has been the great trouble in this Congress—delaying, delaying, delaying all the time—while the administration has been able to say only no, no, no, to every suggestion made. We must look ahead. No statesman is worthy of his salt, and there is no Member of this House who would be worth even his mileage, if he did not have sufficient vision to look ahead 25, 50, or 75 years and provide for his country accordingly. I do not believe that the effect of this bill will be as remote as suggested by the gentleman from Michigan. I believe it will have an immediate beneficial effect. I believe that once we create this machinery we will do one big thing. I am sure every Member of Congress agrees with me that it will prevent the deflation of wages in times of depression. That, gentlemen, is the biggest danger with which we are confronted at this time, the deflation of wages. We are confronted with the danger that selfish, short-sighted, and greedy employers of labor will use the present depression and the present unemployment situation to bring down wages and thereby lower the standard of living. That is the hope in the breast of a great many greedy employers. It is short-sighted, it is selfish, and it is destructive. We must see to it, as far as we are able as national legislators, that no such plan is carried out. I ask you: How can we honestly sit idly by and not do everything within our power to prevent greedy employers of labor from pulling down wages and putting the American worker on the low level of the Chinese coolie, in the face of all that was said only a few months ago when we were discussing the tariff bill and talking about the high standard of living in this country and the high standard of American wages? We must maintain the high standard of the American worker. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

CONFERENCE REPORT—TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. WOOD submitted a conference report, for printing under the rule, on the bill (H. R. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, and for other purposes.

CONFERENCE REPORT—LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY submitted a conference report, for printing under the rule, on the bill (H. R. 16654) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1932, and for other purposes.

MUSSELSELL BASIN IRRIGATION PROJECT

Mr. LEAVITT. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

Mr. LEAVITT. Mr. Speaker, several days ago reference was made in debate to the proposed Musselshell River irrigation development in Montana. I have, since that debate, received a statement by the president and secretary of the Musselshell Basin Flood Control Association. I have been very much interested in the advancement of this project, and I ask unanimous consent that I may extend my remarks by including the statement of the president and secretary of that organization.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The statement referred to follows:

STATEMENT OF FACTS CONCERNING THE MUSSELSELL VALLEY WATER SITUATION—BY THE MUSSELSELL BASIN FLOOD CONTROL ASSOCIATION

1. The Musselshell Basin consists of approximately 7,000 square miles, having a population of about 50,000, most of which land is dry land and adaptable to production of feed, grazing, and livestock raising industry.

2. Of these 7,000 square miles between fifty and sixty thousand acres are under ditch at the present time.

3. The water supply is very inadequate for the amount of land under ditch due to the irregular flow of the river.

4. The supply varies from 50 per cent of enough water for all land under irrigation to no water at all, depending upon the season and location.

5. The stream-flow records covering a period of 25 years show conclusively that there is sufficient water and sufficient storage facilities to adequately supply the entire acreage now under ditch with an adequate water supply.

6. Stream-flow records also prove that increased acreage in the form of hay land could be placed under irrigation with the present irrigation equipment.

7. The serious lack of irrigation water is due to the fact that the Musselshell River and its tributaries run off early in the year and the remainder of the year most of the area of the basin remains dry or nearly dry during irrigation season.

8. The limited water supply limits the feed supply, limits the amount of area that can profitably be used for grazing, and limits materially the agricultural income of the Musselshell Basin. This applies to individual farms along the valley and grazing land adjoining and tributary to the streams.

9. Practically all the land under ditch, which does not have a dependable or adequate water supply is hay land and stock-feed land.

10. This condition of limited water supply is becoming more acute and serious each year in the lower portion of the valley. This is due in part to a more extensive utilization of water in the upper portion of the valley.

11. The irregular water situation caused from lack of storage and the utilization of more water in the upper portion of the valley, has caused a large abandonment of irrigation and a consequent neglect of ditches in the lower end of the basin.

12. The irregular and uncertain water supply has caused a very unstable situation, so far as land values and crop production are concerned.

13. It is estimated that the average annual loss to the stock industry of the Musselshell Basin, due to this situation, is approximately \$1,000,000 annually.

14. In many years the water supply in a large portion of the basin is not even adequate for the watering of stock. This was notably true in the years 1919, 1926, 1929, and 1930.

15. The flood loss to property, including land, irrigation ditches, dams, roads, railroads, mines, stock, buildings, and other property, has been known to reach as high as a million and a half or two million dollars in a single year.

16. The water supply of some of the cities and towns along the Musselshell has been seriously impaired due to the lack of water supply of the Musselshell River.

17. The sewage disposal problem has been serious, due to the lack of water in the river, causing danger of epidemics to both human and animal life.

18. The furnishing of an ample water supply would not increase the wheat or cereal acreage for the cash market, but would have a tendency to decrease it in that dependable feed crops could be raised from year to year for the benefit of stock and dairy interests in that region, thus making a more proper utilization of the land in the Musselshell Valley and adjacent territories.

19. Under existing water right laws, there are no means of readily determining the existing water rights on the Musselshell and its tributaries except by full adjudication of those rights in court. Such adjudication entails very great expense which might not be justified under the conditions now existing and the fluctuating water supply which is now prevalent.

20. Records of original filing of water rights have little value in determining the actual status of bona fide rights.

21. An adjudication of water in the Musselshell River would entail an expense of not less than \$50,000, and would require a long period of time and would not increase the water supply. It would, however, require a number of water commissioners, which would involve a definite annual expense, and would undoubtedly cause friction among the farmers and stock men of the valley.

22. In contrast with this situation run-off records show that with the known available storage facilities, there is sufficient water for all of the land now under irrigation in the entire valley under ditch.

23. In addition thereto, the storage capacity is sufficiently large to equalize the water flow between seasons. In addition thereto, from all available information, considering the acreage involved, the naturalness of the storage sites, the expense of storing water is considered practical.

24. According to those who have made an investigation of the situation, a storage program is considered sound on the following basis: (a) Relief from flood damage to property; (b) drought relief; (c) stabilization of agriculture; (d) stabilization of land values; (e) proper and sound land utilization; (f) a health and sanitary condition favorable to both human life and livestock, affecting an area of 7,000 square miles of grazing land and 50,000 or 60,000 acres of irrigated land.

25. A water-storage program for the Musselshell Basin would have a definite part and be a definite factor in:

First. A national water-utilization program.

Second. A national flood-control program, and

Third. A national river-navigation program.

26. Plan of action:

1. The Musselshell Basin Flood Control Association commends the work of the United States Government through the Corps of Engineers in the study being made of proper utilization of our water resources. It urges the cooperation of the States in any proper way with this work. It respectfully urges that the reports of this study to the Congress be made public as soon as possible.

2. Requests that a detailed economic and engineering survey be made either by the War Department or the Reclamation Service, believing that the previous reclamation report made in 1902 and 1903 is out of date and based on information that has changed since that date and would be of but little value to the situation as it stands to-day.

NOTE.—No plan of action or construction has as yet been made or recommended. It is believed, however, that such a project would be of vital interest and value, not only to the basin, but to the State and National Government as well, and every effort should be made to try to get a storage construction program provided by the National Government, depending entirely upon the report of the Army engineers and the engineering and economic survey that will necessarily have to be made prior to any activities along this line.

The Musselshell Valley Flood Control Association consists of the livestock, farming, and business interests of the valley, who are supporting a water-storage program.

E. H. DOLE, President,
Winnecook, Mont.

J. A. LIGGETT, Secretary,
Roundup, Mont.

INDIANS AND NATIONAL REPRESENTATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Dakota [Mr. WILLIAMSON] for 30 minutes.

Mr. WILLIAMSON. Mr. Speaker and ladies and gentlemen of the House, for some time I have had in mind bringing to the attention of the House a ruling of the Department of Commerce by which it would exclude 19,844 Indians, or approximately four-fifths of all the Indians in South Dakota, from the count in the enumeration of our population for the purpose of making the apportionment of the State's representation in this Chamber. Continued pressure of other public work has made it impossible for me to find the time necessary to make an adequate study of the various constitutional provisions, departmental rulings, numerous court decisions, and other matters necessary to a proper presentation of the subject, but some one should call this matter to the attention of the Congress and the country before adjournment.

A short time ago we listened to a most interesting address on communist activities in this country. The speaker stated that most of these communists were aliens, many of them illegally here. Yet all of these are counted for purposes of representation in this body. At the same time we exclude tens of thousands of citizens of this country—men who fought on our side in the late war, men who are citizens and voters, and who from every standpoint should be

counted; and during the course of the address I shall endeavor to show they are illegally excluded.

INDIAN TRIBES AS DOMESTIC DEPENDENT NATIONS

Before the Constitutional Convention met and long thereafter, Indian tribes were considered as alien and dependent peoples, whose children were no more "born in the United States and subject to the jurisdiction thereof" within the meaning of Article I, section 2, of the Federal Constitution than were the children of subjects of foreign governments, born abroad, or the children born in the United States of ambassadors or other public ministers and consuls of foreign nations. Chief Justice Marshall referred to them in *Cherokee Native v. Georgia* (5 Pet. 1, 17) as "domestic dependent nations."

For many years the executive branch of the Government continued to deal with them by agreement and treaty as though the various tribes and nations were separate and independent States. This early conception of the native inhabitants of the country, however, was gradually being changed by Congress, which persisted in legislating with respect to them as though the Indians had no rights that Congress was bound to respect. At first there appears to have been some resistance by the courts, but eventually the Supreme Court of the United States settled the matter by holding that Congress had plenary power to legislate with respect to the Indian tribes. (*Lone Wolf v. Hitchcock*, 187 U. S. 553; *Tiger v. Western Investment Co.*, 221 U. S. 286.) The executive branch continued, nevertheless, to make treaties for cessions, removals, and settlement of controversies until Congress ended the practice by the act of March 3, 1871 (U. S. C., title 25, sec. 71), which, among other things, declared:

No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.

In discussing the same subject matter the Supreme Court, in the matter of *Heff* (197 U. S. 488, 499), decided April 10, 1905, stated that—

Of late years a new policy has found expression in the legislation of Congress, a policy which looks to the breaking up of tribal relations, the establishing of the separate Indians in individual homes, free from national guardianship, and charged with all the rights and obligations of citizens of the United States. Of the power of the Government to carry out this policy there can be no doubt. It is under no constitutional obligation to perpetually continue the relationship of guardian and ward. It may at any time abandon its guardianship and leave the ward to assume and be subject to all the privileges and burdens of one sui juris. And it is for Congress to determine when and how that relationship of guardianship shall be abandoned. It is not within the power of the courts to overrule the judgment of Congress. It is true there may be a presumption that no radical departure is intended, and courts may wisely insist that the purpose of Congress be made clear by its legislation, but when that purpose is made clear the question is at an end.

STATUS OF INDIANS IN SOUTH DAKOTA

In South Dakota the Indians have all been allotted. They have their own individual funds; so have their minor children. All have assumed the habits of civilized life, and our Supreme Court has held that they have abandoned their tribal relationship by taking allotments in severalty. (*State v. Nimrod*, 138 N. W. 377.) They are scattered on their individual allotments; come and go as they please, and transact business among themselves and the whites, except as to their restricted property, if any, the same as anybody else. There is no such thing as a reservation owned jointly by the people of the various tribes. Whites have bought land upon and are living all over the old reservations with Indians for their neighbors. Indians are entitled to sue and be sued in the State courts, are qualified to sit as jurors, and have the unlimited right of suffrage. Their children have as much right to attend the public schools as the children of white parentage, and, if denied by local boards, may enforce that right by the process of mandamus in our State courts.

Many Indian girls are married to prominent white citizens of the State. Their offspring is generally allotted, yet such women and children are excluded from the count, though they frequently have other property upon which they are assessed. Some Indians have been granted a patent in fee

on a part of their lands, the balance remaining restricted. Are these to be included or excluded from the count? I am advised that some of them have been excluded; others are included. Shall the Census Bureau and the Commerce Department be permitted to blow hot and cold at the same time?

My understanding is that the Census Bureau, on the advice of the solicitor of the Department of Commerce, excluded all those who were listed by the Bureau of Indian Affairs as wards of the Government and that all were listed as wards who had any restricted property to their credit. No attempt was made to ascertain whether they were subject to the payment of a poll or road tax, or whether they were subject to assessment upon any property which any of them might have had aside from their trust holdings.

To deny the right of a State to assess individual property of an Indian that he has secured through his own efforts merely because he may also own restricted property is to deny him a right to control the fruits of his own labor. Any law that would have that effect would be unconstitutional.

It seems to me that the Department of Commerce in making the ruling in question has failed to give adequate consideration to the great changes that have taken place in the actual physical, educational, and business status of the Indians throughout the country in the last quarter of a century, and it appears to have all but completely ignored the situation with respect to the Sioux Indians in my State. It evidently has proceeded upon the theory that every Indian who may occupy, temporarily or otherwise, the condition of a ward of the Government with respect to his trust-property rights is thereby conclusively to be classified and held as embraced within the term "Indians not taxed" as used in the exclusion clause of section 2 of the fourteenth amendment to the Constitution of the United States. In other words, if an Indian at the time of the enumeration had anything to his credit, either as allottee, heir, personal account, or in the tribal fund over which the United States exercised jurisdiction as guardian, then he has been classed as an Indian not taxed, no matter whether he owned other personal property not derived from trust funds or not. Manifestly such a classification is absurd. It is based neither on fact nor on law. The fact that the United States may be the guardian of an Indian's trust property does not necessarily make it the guardian of his person, nor does the fact that it may be the guardian of his person, ipso facto, make it the custodian of his individual property not derived from Government sources.

INDIANS ORIGINALLY HELD NONTAXABLE BECAUSE NOT CITIZENS

To determine as authoritatively as possible whether an Indian, who may or may not have trust property to his credit, is to be classified as an "Indian not taxed" or otherwise, let us turn to the decisions of the courts to see what light they throw upon an admittedly difficult subject. Section 2 of the fourteenth amendment to the Constitution provides that—

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.

There is a dearth of judicial construction of the phrase, "Indians not taxed." The matter of representation in Congress is essentially political in character and hence there has been little occasion for judicial interpretation. Congress can without doubt exclude aliens from the count and include Indians if it so desires without resort to a constitutional amendment. Such action would be political in character and would not be a subject for review in the courts.

Congress, however, has not seen fit by express terms to declare that Indians shall be subject to taxation, thereby removing the constitutional ban. Such a declaration is not necessary. At the time the constitution was adopted there were Indians who paid taxes and that instrument recognizes the fact and, by clear and unmistakable inference, includes such Indians as among the persons who are to be enumerated as a basis for representation in the House. Presumptively, all Indians are subject to taxation and none can be excluded unless it is clear that they are in fact not subject

to taxation and therefore within the constitutional inhibition.

Indians were originally held, or supposed, not to be subject to taxation on the theory that they were "domestic dependent nations," as declared by Chief Justice Marshall. This separate identity of Indian tribes and nations was again affirmed in *Elk v. Wilkins* (112 U. S. 94) decided on November 3, 1884, in which the court said:

Indians born within the territorial limits of the United States, members of, and owing immediate allegiance to, one of the Indian tribes (an alien, though dependent, power), although in a geographical sense born in the United States, are no more "born in the United States and subject to the jurisdiction thereof," within the meaning of the first section of the fourteenth amendment than the children of subjects of any foreign government born within the domain of that government, or the children born within the United States of ambassadors or other public ministers of foreign nations.

This view is confirmed by the second section of the fourteenth amendment, which provides that "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed." Slavery having been abolished, and the persons formerly held as slaves made citizens, this clause fixing the apportionment of representatives has abrogated so much of the corresponding clause of the original Constitution as counted only three-fifths of such persons. But Indians not taxed are still excluded from the count for the reason that they are not citizens. Their absolute exclusion from the basis of representation, in which all other persons are now included, is wholly inconsistent with their being considered citizens.

It will be observed that the court was of the opinion that they were excluded from the count for the purposes of representation because they were not citizens of the United States but, on the contrary, subjects of domestic dependent nations to which the taxing laws of the United States and of the several States could not extend, any more than they could be made to extend into a foreign nation. Other decisions of equal dignity might be cited in support of the above view, but an extended elaboration of the authorities can serve no useful purpose as Congress has effectively and conclusively disposed of the matter by the act of June 2, 1924 (43 Stat. 253), which makes all Indians citizens of the United States.

DEPARTMENTAL RULING CRITICIZED

The above decisions and act of Congress appear to have neither purpose, significance, or meaning as an aid to a proper interpretation of "Indians not taxed" so far as the Department of Commerce is concerned. Instead, it rests its case upon the proposition that property held in trust by the United States for Indians as individuals or tribes is not subject to taxation and that therefore Indians having such property are not subject to taxation. Manifestly, such property is not. As all the decisions, from *McCullough v. Maryland* (4 Wheat. 316) down, hold that such property is an instrumentality of government to be administered by the United States for the use and benefit of the Indians; but what has that to do with the taxability of the Indians for school or road poll, or for his individual real and personal property as distinguished from property derived from Government sources?

INDIANS SUBJECT TO TAXATION MUST BE COUNTED

In his dissenting opinion in *Elk v. Wilkins*, supra, Mr. Justice Harlan calls attention to the fact that the Constitution implies that at the time of its adoption there were Indians who were subject to taxation.

At the adoption of the Constitution there were, in many of the States, Indians, not members of any tribe, who constituted a part of the people for whose benefit the State governments were established. This is apparent from that clause of article 1, section 3, which requires, in the apportionment of representatives and direct taxes among the several States according to their respective members "Indians not taxed." This implies that there were, at that time, in the United States, Indians who were taxed; that is, were subject to taxation by the laws of the State of which they were residents. Indians not taxed are those who held tribal relations, and therefore were not subject to the authority of any State, and were subject only to the authority of the United States under the power conferred upon Congress in reference to Indian tribes in this country. The same provision is preserved in the fourteenth amendment; for now, as at the adoption of the Constitution, Indians in the several States, who are taxed by their laws, are counted in establishing the basis of representation in Congress.

If Indians "subject to taxation" are proper subjects for inclusion in the count of persons used as a basis for determining the number of Representatives a State is entitled to, it seems too clear to need extended argument that they must be counted, whether they are actually assessed or not in any given year. There are more whites who are not taxed in any State than Indians. It is not a question of actual assessment and taxation that is the vital criterion. It is: Is the Indian subject to taxation? If so, he must be included in the count.

Now, what is the character of property that an Indian may be in possession of, but which can not be reached by tax laws? The question is authoritatively answered in the case of *United States v. Pearson* (231 Fed. 270), which is a leading case on the subject. This case defines the classes of property as follows:

First. Issue property.

Second. Increase of such issue property.

Third. Property purchased with the proceeds of the sale of trust or issue property.

Fourth. Property purchased with the proceeds of the sale of the increase of issue property.

Fifth. Issue property exchanged for similar property for similar use, and this consists of the increase of property received in such exchange.

Sixth. The increase of issue property exchanged for similar property for similar use.

Seventh. Property purchased with money given to the Indians by the United States.

The opinion continues:

I am of the opinion that any and all of such classes of property that can be identified are impressed with this trust and not subject to taxation.

I may say, however, that I am of the opinion that any property in the possession of these Indians that can not be so traced and identified as belonging in the above classification is not impressed with the trust, and therefore is subject to taxation.

In *United States v. Rickert* (188 U. S. 432), a distinguished case, Mr. Justice Harlan has the following to say:

The personal property in question was purchased with the money of the Government and was furnished to the Indians in order to maintain them on the land allotted during the period of the trust estate, and to induce them to adopt the habits of civilized life. It was, in fact, the property of the United States, and was put into the hands of the Indians to be used in the execution of the purpose of the Government in reference to them.

A strong inference can be taken from this language that any personal property, or otherwise, that might come into the hands of the Indians from sources other than the Government, and in which the title is in no way traceable to the Government, is taxable by the States. If funds come into the hands of Indians as a result of labor done for private citizens or agencies not controlled by the Federal Government, they can not be said to have been given to the Indians to "maintain them on the land allotted" or to "induce them to adopt the habits of civilized life."

The exemption granted the personality of Indians in *United States v. Rickert*, supra, and *United States v. Pearson*, supra, rested upon express grounds that title to the property was held by the United States in trust for the Indians. (*Keokuk v. Ulam*, 4 Okla. 5.)

That the individual property even of restricted and non-competent Indians is subject to taxation would appear to be settled by the case of *McCurdy v. United States* (246 U. S. 263), decided March 4, 1918. In this case the Secretary of the Interior, by authority of an act of April 18, 1912 (37 Stat. 85, 87), had paid to the trustee of a non-competent Osage allottee a part of the trust fund to which he was entitled. This money was invested in land, which the trustee later conveyed to the Indian with a proviso that he could not alienate it for 18 years without the approval of the Secretary of the Interior. The United States contended that the land was not taxable because it was the property of a restricted Indian. The court, however, held that the Secretary of the Interior was not authorized by Congress to exercise any control over the property in which the trust fund was invested, and that consequently the land was subject to taxation on the same basis as before it was purchased for the Osage allottee.

If property purchased by a noncompetent Indian with unrestricted funds derived from Government sources may be taxed, does it not follow a priori that property procured by his own efforts and from sources other than the Government is subject to taxation? I have been able to find no decision holding that an Indian's individual property, whether real or personal, the consideration for which can not be traced to trust funds, is not subject to taxation. That it is subject to taxation by the political unit in which it lies I think is undoubted. If it is, an Indian must be held subject to taxation.

The power of the State to tax is sovereign. It is inherent in its constitution. It is essential to its life. Without such power there is no State.

All subjects over which the sovereignty of a State exists are subject to taxation. (*McCulloch v. Maryland*, 4 Wheat. 316; *U. S. v. Pearson*, 231 Fed. 270.) The sovereignty of a State exists over the agencies controlled by the State and over the industries of its citizens. Wages paid out by these agencies and industries in the pursuance of work contemplated by them would come under the sovereignty of the State. Any personalty or realty purchased with funds derived from these services would be taxable, even though removed, in the case of personalty, to the reservations. The fact that personal property is on an Indian reservation does not exempt it from taxation by a State or Territory within which the reservation is located. (*Thomas v. Gay*, 169 U. S. 264.)

By express provision of the constitution of the State of South Dakota all property within the State is subject to taxation except such as is or may be exempted under article 11, sections 5 and 6, which read as follows:

5. The property of the United States and of the State, county, and municipal corporations, both real and personal, shall be exempt from taxation.

6. The legislature shall, by general law, exempt from taxation property used exclusively for agricultural and horticultural societies, for school, religious, cemetery, and charitable purposes, and personal property to any amount not exceeding in value \$200 for each individual liable to taxation.

Section 7 of the same article provides:

All laws exempting property from taxation other than that enumerated in sections 5 and 6 of this article shall be void.

POLL TAX APPLIES TO ALL

In South Dakota each resident of the several counties, with certain exceptions, none of which include Indians, is made subject to a poll tax by section 7500 of the 1919 Revised Code, as amended, which provides:

The county commissioners of each county shall levy a tax of \$1 for the support of the common schools on each resident in the county of the age of 21 years and upwards, excepting persons under guardianship, non compos mentis, or insane. Said tax, when collected, shall be distributed to the several school corporations in the county in proportion to the number of children, resident in the territory of each, over 6 and under 21 years of age.

The phrase "persons under guardianship" as used in this section has reference only to those persons who are under guardianship by the order of county or State courts.

Subdivision 9 of section 6749 of the same code provides for the levying of a road poll. It reads as follows:

In all counties not wholly organized into civil townships the county commissioners shall levy on each male person living in an unorganized township and outside the boundaries of any city or incorporated town, and being above 21 years of age and under the age of 50, except paupers, idiots, lunatics, and such other persons as may be exempt by law, a road poll tax of \$2, which must be paid in money or by one day's labor in each year on the public highways within his road district, at the time and place directed by the proper authority, and if not worked out or paid on demand, then no property shall be exempt in making collection of such tax by distress or otherwise.

Under these provisions the following counties in South Dakota, in all of which there are large numbers of Indians, levy a poll tax against the Indians resident therein: Bennett, Dewey, Washabaugh, and Ziebach.

I should state in this connection that all of the above counties lie in the Indian country and are either largely or wholly within Indian reservations all of which are organized into counties. The Indians are mostly so-called wards

of the Government; that is, Indians who have allotments or individual trust funds to their credit.

CONCLUSION

I do not believe that there is a single Indian in South Dakota who can properly be classified as included within the language "Indians not taxed" as used in the fourteenth amendment. All of them are subject to taxation and we are entitled to have them counted as among the persons enumerated in the State during the last decennial census as a basis for determining the number of representatives to which our State is entitled in the House of Representatives.

As it is, we have the extraordinary spectacle of native-born Indian citizens often more white than Indian, who are voters and taxpayers, and who have the same privileges and immunities as our native-born white, excluded from the count; and aliens, born in foreign countries, who are not voters, many of whom can under no circumstances become citizens, and who for the most part pay no taxes, included in the count.

I repeat, gentlemen, that the ruling of the Department of Commerce overlooks the changed status of the Indian and is out of line with our court decisions and congressional enactments. [Applause.]

PROPOSED TRANSFER OF BLACKBEARD ISLAND, GA., TO M'INTOSH COUNTY

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein two short resolutions with reference to the proposed transfer of Blackbeard Island, Ga., to McIntosh County, in which it is located, as contemplated by a bill which I shall introduce in the next session of Congress.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. EDWARDS. Mr. Speaker, in order that the Senators and Representatives may have information concerning the matter I am quoting herein resolutions passed by the county commissioners of McIntosh County, Ga., and by the House and Senate of the Georgia Legislature. The resolution by the county commissioners was passed on December 16, 1930, and is as follows:

Whereas the Chamber of Commerce of McIntosh County, a civic organization recently organized by the citizens of this county, is sponsoring a movement to have Blackbeard Island, now owned by the United States, transferred to the county of McIntosh, for the purpose of the establishment thereon of a great public-owned beach resort; and

Whereas the Chamber of Commerce of McIntosh County did, on December 11, 1930, address a communication to our Senators and Congressman, the Hons. WILLIAM J. HARRIS, WALTER F. GEORGE, and CHARLES G. EDWARDS, outlining in detail the plan for the aforesaid public-owned development, copy of which letter is hereto attached and made a part of this resolution: Be it therefore

Resolved, That the county commissioners of McIntosh County, Ga., ever anxious to exploit the great natural resources of our State and county, and solicitous for the health, happiness, and general welfare of our people, do hereby most heartily indorse and approve the movement and plan for the establishment of the aforesaid public-owned beach resort on Blackbeard Island; and be it further

Resolved, That a copy of this resolution be forwarded to the Chamber of Commerce of McIntosh County and to the Hons. WILLIAM J. HARRIS, WALTER F. GEORGE, and CHARLES G. EDWARDS.

The resolution hereinafter recited was adopted by the Georgia House of Representatives on January 29, 1931; and adopted by the State senate on February 4, 1931, and is as follows:

A resolution memorializing the Congress of the United States to transfer Blackbeard Island, to be used as a resort

Whereas Blackbeard Island, comprising about 1,600 acres, located in McIntosh County, Ga., was acquired by the United States in 1799, for the purpose of using the timber thereon for building wooden ships; and

Whereas it has not been used by the United States for many years for any practical purpose, and is of no value, good, or service to the United States or any citizen thereof in its present condition; and

Whereas it has a beach about seven miles long on the Atlantic Ocean, and the same is capable of being developed into one of the finest summer resorts in the Nation; and

Whereas there will be introduced in the Congress at the next session a bill to authorize the United States to transfer to McIn-

tosh County, Ga., the said island, to be used as a summer resort: Therefore, be it

Resolved by the House of Representatives of the State of Georgia (the Senate concurring), That the President of the United States and the Congress thereof are respectfully urged to transfer said island.

Resolved, That a copy of this resolution be mailed to the President and Vice President of the United States, the Speaker of the National House of Representatives, the two Senators and the Members of Congress from Georgia.

The Chamber of Commerce of McIntosh County started this movement. The purpose of the movement is to make a resort on the island for the people of that section and of the whole country. The idea is to make a recreational center of this island and its splendid beach for people of small and moderate means who can not afford the pleasures and luxuries of the more elaborate resorts in our section. Practically all the islands along our coast have been bought up by wealthy people and owned and used as private properties. Thought should be given to the welfare of human beings as well as to birds and wild game. The only thing that might stand in the way of this proposed transfer is the fact Blackbeard Island is supposed to be used as a bird and game refuge, in which it is a failure. The magnificent beach this island has makes it adaptable for people rather than for birds and wild game.

Blackbeard Island of right belongs to McIntosh County, in which it is located. It formerly belonged to the State of Georgia and contains only about 1,600 acres. Pursuant to an act of Congress approved February 25, 1799, this island was acquired by the United States for the timber that was then on the island for the future use of the Navy. Jurisdiction was ceded to the United States by act of the Georgia Legislature, approved December 22, 1808. Many years later the use of the island was given to the Treasury Department for quarantine purposes and the South Atlantic Quarantine Station was established there, but was later abandoned. By Executive Order No. 1993, dated July 17, 1914, the island was ordered reserved for the Agricultural Department as a preserve and breeding ground for native birds. Later by Presidential Order No. 2203, dated May 25, 1915, the above-mentioned Executive order was vacated and the island was returned to its former status, having failed as a bird refuge, and thus it was again under the Treasury Department. In 1916 the custody of the island was given to the State of Georgia, as to the wild life on the island. In all these years it was a "frolicking ground" for those who were fortunate enough to get on the "inside" with those who were supposed to have control of it.

In 1922 the custody of the island was given to Mr. Howard E. Coffin, who owns and lives on Sapelo Island, near by. By an Executive order, No. 3957, dated February 15, 1924, the order of May 25, 1915, was vacated and the bird reserve, created by the Executive order of July 17, 1914, was restored and the Department of Agriculture, Bureau of Biological Survey, assumed jurisdiction.

In the bill I will offer, in response to the act of the county commissioners of McIntosh County and of the resolutions of the State legislature, the National Government will be requested to transfer and restore the island to its former owner under the jurisdiction of McIntosh County, where it rightfully belongs, to be used not alone for a game and bird refuge, but as a pleasure resort the year around for the public, for the benefit and health of the people who can not afford to patronize and enjoy the expensive resorts along our coasts.

The beach is an ideal one and of no use for game or birds, but can be used for the pleasure and health of the people. It is not contemplated that the county shall ever have the authority to sell or transfer any part of the island, but merely to build and permit the building of cottages along the beach to remain under the control of the county.

This, in brief, gives the purpose for which the island will be used, which is commendable. At a later date, after I have prepared and offered a bill on the subject, it will be my pleasure to discuss it further. I felt I should at this time give the Congress the benefit of this information and to bespeak support for the movement to transfer this island to McIntosh County. This county has no revenue from the

island in the way of taxes. It is located about 12 miles from Darien, the county seat of McIntosh County, and the county should have the custody and jurisdiction of the island.

PERMISSION TO ADDRESS THE HOUSE

Mr. PARKER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on Friday, immediately after the reading of the Journal and the disposition of matters on the Speaker's table.

Mr. IRWIN. Mr. Speaker, reserving the right to object, as I understand, Friday is to be Private Calendar day, and we have been having considerable trouble in having the bills on the Private Calendar discussed and acted upon.

Mr. PARKER. I may state, Mr. Speaker, that what I wish to do is this: Last January the Committee on Interstate and Foreign Commerce was authorized to investigate holding companies and the ownership of railroads. We are ready to report, and I would like to have 15 minutes to present the report to the House.

Mr. BRIGGS. Will the gentleman yield for a question?

Mr. PARKER. Certainly.

Mr. BRIGGS. Has that report of Doctor Splawn, to which the gentleman refers, been published?

Mr. PARKER. That is the report I am referring to. It has been published and will be released as soon as I get permission to discuss the matter for 15 minutes on the floor here.

Mr. IRWIN. Mr. Speaker, I dislike very much to object, but as the session is drawing to a close I certainly would like to have more of the bills on the Private Calendar passed upon, and while this is an important matter, and I do not intend to object, I want to serve notice that on Friday I shall object to any other speeches on that particular day.

Mr. GARNER. Mr. Speaker, reserving the right to object, may I suggest to the gentleman from New York that to-morrow they have up the deficiency bill and the gentleman can get 15 minutes to-morrow under general debate, and I would prefer very much that the gentleman would do that, for two reasons, Mr. Speaker. This morning I asked unanimous consent for the gentleman from Alabama [Mr. STEAGALL] to speak on to-morrow for 15 minutes after disposition of matters on the Speaker's table, and the majority leader suggested that that could be accomplished under general debate. It now occurs to me that the gentleman from New York could probably take advantage of the same opportunity on to-morrow.

Moreover, Mr. Speaker, if the gentleman from New York is going to discuss a very important report of his committee there ought to be an opportunity for those who might differ with his views to also present their views. So it seems to me, in all fairness to those who may not agree with the gentleman entirely, that if he is to have 15 minutes on Friday as a special order to present his views and the report referred to, our side of the House ought to have 15 minutes also to express whatever views they may have, whether in agreement with his or not. So I suggest to the gentleman from New York that he seek recognition to-morrow under general debate, when he can submit his report the same as he can on Friday.

Mr. PARKER. I may say to the gentleman from Texas that we had planned to take this up on Thursday, not realizing that Thursday had been set aside for memorial services. We will not be ready by to-morrow, and I may say to the gentleman that the ranking minority member of the committee is in entire accord with what I am asking.

Mr. GARNER. Mr. Speaker, I may add that I have observed with respect to the Committee on Interstate and Foreign Commerce that the chairman of the committee and the ranking minority member are quite often in accord, but there are other members, both on the Republican side and on the Democratic side, who are sometimes in disagreement, and I would like to ask the gentleman if there is anyone on the committee who disagrees with his views.

Mr. PARKER. In answer to the gentleman's question, I may say that this is not a committee report. This is a report of the counsel to the committee.

Mr. GARNER. Why should the gentleman take 15 minutes on Friday to explain the report? Why could not the gentleman just submit the report and let it speak for itself?

Mr. PARKER. I would like to explain the report. Of course, if the gentleman objects—

Mr. GARNER. I am not going to object, Mr. Speaker, but I merely call attention to the fact that this morning I asked unanimous consent for 15 minutes for to-morrow for the gentleman from Alabama [Mr. STEAGALL] and the majority leader objected. We have now by unanimous consent set aside Friday for consideration of the Private Calendar and now some Member on that side of the House asks unanimous consent for 15 minutes on that day. I am not going to object, but I point out the little inconsistency that it seems to me exists in the management of the matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

HAWAII

Mr. KVALE. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. KVALE. Mr. Speaker, I have been requested to call the attention of Members of the House to an announcement that has been mailed individually to each Member, but which may have escaped their notice. On Sunday evening next under the auspices of the Bureau of Commercial Economics the Hon. VICTOR S. K. HOUSTON, Delegate from Hawaii, will speak at the ballroom of the Shoreham Hotel. His talk will be illustrated by beautiful colored motion pictures of modern Hawaii and by other views. An interesting feature of the program is the fact that the picture has been resurrected from the vaults for this occasion. It is my information that this old motion picture will show scenes in Hawaii of 20 years ago, in which will appear Speakers of the House of Representatives, including the beloved Champ Clark and Joe Cannon. I have no information at the present, Mr. Speaker, but I am told that the minority leader is in the picture. These pictures were taken by the late Clarence Miller, of Minnesota. All you have to do is to write your acceptance of the invitation to the Bureau of Commercial Economics in order that seats may be provided. [Applause.]

LEAVE TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that on next Tuesday, after the disposition of matters on the Speaker's table, I may be permitted to address the House for one hour on the subject of communism.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, this is an opportunity that I long have sought. [Laughter.] If the gentleman from New York, who is pregnant with information on this subject, is going to release all of his knowledge on the subject of communism and his recommendations, I couple with his request the request that I may follow him for an hour.

Mr. STAFFORD. Does the gentleman think he will need an hour?

Mr. TILSON. Mr. Speaker, I wish to state that this morning when a similar request was before the House the chairman of the Committee on Rules stated that until certain very important measures now pending before his committee are considered he would not agree to such a request as is now made by the gentleman from New York.

Mr. LA GUARDIA. And I served notice at that time.

Mr. TILSON. Yes; the gentleman from New York served notice that if this time was granted he wanted the same amount of time. It is intended next week to take up under special rules certain important matters, and it seems to me that we ought not thus far in advance to foreclose ourselves

from the use of an entire day if it be necessary for a particular purpose.

Mr. GARNER. Mr. Speaker, I recognize the force of what the gentleman from Connecticut says. But I call attention to the fact that the Republican organization have up to this time reserved important matters for the end of the session. To-day has been consumed in general debate that could have been devoted to some of these important matters. In other words, it seems to me that the Republican organization in the House has delayed important matters until the last days of the session so that they can pass the measures with amendments with the assurance that they have little or no consideration by Congress and become law.

Mr. TILSON. Oh, the gentleman can make his own interpretation, of course.

Mr. GARNER. I understand the defense, it is good in the eyes of those not informed, but it is not good in the eyes of the House Members. You have held these matters back for 6 and 18 months, and now bring them up under the pretext that the House of Representatives would like legislation on those subjects.

Mr. TILSON. The people of the country are not blind. They can see the facts, and they will probably not see them as the gentleman from Texas would interpret them.

Mr. LA GUARDIA. Mr. Speaker, if the gentleman from New York would ask permission to address the House on Tuesday next at 5 o'clock, I will follow until 7 o'clock, and we can talk it over. [Laughter.]

Mr. STAFFORD. Oh, I suggest—and I think it would meet the desires of both gentlemen—that we have a night session and have the galleries filled. From 5 to 7 o'clock there would not be anybody in the galleries, and it would not be fair to either gentleman.

Mr. LA GUARDIA. Oh, I am so timid that I do not like to talk to the galleries. I do not know how about my colleague.

Mr. TILSON. Mr. Speaker, until the gentleman from New York [Mr. SNELL], chairman of the Committee on Rules, is present, I request that the gentlemen withdraw their unanimous-consent requests.

Mr. FISH. I withdraw my request, Mr. Speaker.

BOARD OF VISITORS OF UNITED STATES MILITARY ACADEMY

The SPEAKER laid before the House the following communication, which was read:

WASHINGTON, D. C., February 17, 1931.

The SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of May 17, 1928 (45 Stat. 597), I have appointed the following Members of the Committee on Military Affairs of the House as Members of the Board of Visitors to the United States Military Academy: HARRY C. RANSLEY, Pennsylvania; PERCY E. QUIN, Mississippi; JOHN J. MCSWAIN, South Carolina; LISTER HILL, Alabama; WILLIAM H. STAFFORD, Wisconsin; THOMAS C. COCHRAN, Pennsylvania; EDWARD W. GOSS, Connecticut.

Respectfully yours,

W. FRANK JAMES.

Also the following communication, which was read:

WASHINGTON, D. C., February 17, 1931.

The SPEAKER HOUSE OF REPRESENTATIVES,
Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of May 17, 1928 (45 Stat. 597), I have appointed the following Members of the Committee on Appropriations of the House as Members of the Board of Visitors to the United States Military Academy: HENRY E. BARBOUR, Frank Clague, JOHN TABER, ROSS A. COLLINS, WILLIAM C. WRIGHT.

Respectfully yours,

WILL R. WOOD, Chairman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CLARKE of New York, indefinitely, on account of important business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and under the rule referred as follows:

S. 5139. An act to extend the provisions of certain laws relating to vocational education and civilian rehabilitation to Porto Rico; to the Committee on Education.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 8. An act for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy;

S. 557. An act to authorize the disposition of certain public lands in the State of Nevada;

S. 2854. An act for the relief of Mrs. A. K. Root;

S. 5069. An act authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah*;

S. 5138. An act to amend the organic act of Porto Rico, approved March 2, 1917;

S. 5246. An act to amend the act entitled "An act for the erection of a tablet or marker to be placed at some suitable point between Hartwell, Ga., and Alford's Bridge, in the county of Hart, State of Georgia, and on the national highway between the States of Georgia and South Carolina, to commemorate the memory of Nancy Hart";

S. 5314. An act to amend the Federal highway act;

S. 5456. An act to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

S. 5457. An act authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21;

S. 5519. An act granting the consent of Congress to Louisville & Nashville Railroad Co. to construct, maintain, and operate a railroad bridge across the Tennessee River at or near Danville, Tenn.;

S. 5557. An act to amend the act of May 23, 1930 (46 Stat. 378);

S. 5613. An act for the relief of Commercial Loan & Trust Co., Monticello, Ark.;

S. 5688. An act granting the consent of Congress to the State of New Hampshire to construct, maintain, and operate a bridge or dike across Little Bay at or near Fox Point;

S. 5817. An act to authorize the Secretary of War to lend War Department equipment for use at the Thirteenth National Convention of the American Legion at Detroit, Mich., during the month of September, 1931; and

S. J. Res. 183. Joint resolution authorizing the Secretary of Agriculture to cooperate with the Territories of the United States under the provisions of sections 1 and 2 of the act of Congress entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor."

BILLS PRESENTED TO THE PRESIDENT

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 3394. An act to provide for the deportation of aliens convicted and sentenced for violation of any law regulating traffic in narcotics;

H. R. 11968. An act to reserve for public use rocks, pinnacles, reefs, and small islands along the seacoast of Orange County, Calif.; and

H. J. Res. 506. Joint resolution to amend the paragraphs relating to drought and/or storm or hail stricken areas as contained in the Interior Department appropriation act for the fiscal year 1932.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 18, 1931, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 18, 1931, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(10 a. m.)

To amend paragraph (8) of section 1 of the interstate commerce act as amended (H. R. 16695).

MILITARY AFFAIRS COMMITTEE—SUBCOMMITTEE NO. 1

(9.30 a. m.)

To consider various bills relating to construction and real estate.

COMMITTEE ON FLOOD CONTROL—SUBCOMMITTEE ON PRELIMINARY EXAMINATIONS AND SURVEYS

(11 a. m.)

To provide a preliminary examination of the Edisto River and its branches, South and North Edisto, S. C., with a view to the control of its floods. (H. R. 15995.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

855. A letter from the Director of Public Buildings and Public Grounds, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

856. A letter from the Secretary of Navy, transmitting a draft of a proposed bill to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, as amended by the act of March 2, 1929"; to the Committee on Naval Affairs.

857. A letter from the Secretary of Navy, transmitting report of an accumulation of papers which are not needed in the transaction of public business and have no permanent value or historical interest; to the Committee on Disposition of Useless Executive Papers.

858. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year 1931, to remain available until June 30, 1932, for the Department of the Interior, Bureau of Reclamation, amounting to \$75,000 (H. Doc. No. 775); to the Committee on Appropriations and ordered to be printed.

859. A letter from the Secretary of War, transmitting a draft of a bill to authorize the Secretary of War to sell the Washington-Alaska Military Cable and Telegraph System; to the Committee on Military Affairs.

860. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to an existing appropriation for the Treasury Department, for sites and construction, public buildings, act of May 25, 1926, as amended (H. Doc. No. 776); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EVANS of Montana: Committee on the Public Lands. S. 5439. An act to excuse certain persons from residence upon homestead lands during 1929 and 1930 in the drought-stricken areas; with amendment (Rept. No. 2696). Referred to the Committee of the Whole House on the state of the Union.

Mr. McSWAIN: Committee on Military Affairs. H. R. 9303. A bill to authorize funds for the construction of a building at Corozal, Canal Zone; without amendment (Rept. No. 2697). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOOPER: Committee on the Public Lands. H. R. 15984. A bill to amend an act entitled "An act to provide for the creation of the Colonial National Monument in the State of Virginia, and for other purposes," approved July 3, 1930; with amendment (Rept. No. 2698). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAAS: Committee on Foreign Affairs. H. J. Res. 434. A joint resolution for participation of the Government of the United States in the Second World Conference of Workers for the Crippled to be held at The Hague, the Netherlands, the week of June 28, 1931; without amendment (Rept. No. 2699). Referred to the Committee of the Whole House on the state of the Union.

Mr. TEMPLE: Committee on Foreign Affairs. H. J. Res. 502. A joint resolution authorizing an appropriation to defray the expenses of participation by the United States Government in the Second Polar Year Program, August 1, 1932, to August 31, 1933; without amendment (Rept. No. 2700). Referred to the Committee of the Whole House on the state of the Union.

Mr. EATON of Colorado: Committee on the Public Lands. H. R. 16701. A bill to grant certain lands to the State of Colorado for the benefit of the Colorado School of Mines; without amendment (Rept. No. 2704). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN of Pennsylvania: Committee on Military Affairs. H. R. 87. A bill to amend section 12 of the act approved June 10, 1922, as amended, so as to authorize payment of mileage allowance to members of the Army and Navy Nurse Corps; with amendment (Rept. No. 2703). Referred to the Committee of the Whole House on the state of the Union.

Mr. GOSS: Committee on Military Affairs. S. 4248. An act authorizing the Secretary of War to convey the Fort Griswold tract to the State of Connecticut; without amendment (Rept. No. 2709). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. J. Res. 500. A joint resolution further restricting for a period of two years immigration into the United States; without amendment (Rept. No. 2710). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 11935. A bill exempting building and loan associations from being adjudged involuntary bankrupts; without amendment (Rept. No. 2711). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. EVANS of Montana: Committee on the Public Lands. S. 4696. An act granting to the Butte Anglers' Club, of Butte, Mont., a patent to lot 1, section 5, township 2 south, range 9 west, and a patent to the Northern Pacific Railway Co. of lot 2 in said section 5; without amendment (Rept. No. 2695). Referred to the Committee of the Whole House.

Mr. IRWIN: Committee on Claims. H. R. 16617. A bill for the relief of Mary E. Dawley; without amendment (Rept. No. 2701). Referred to the Committee of the Whole House.

Mr. JOHNSON of Nebraska: Committee on Claims. H. R. 5660. A bill for the relief of certain claimants who suffered loss by fire in the State of Minnesota during October, 1918; with amendment (Rept. No. 2703). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. S. 594. An act for the relief of Lemuel Simpson; without amendment (Rept. No. 2707). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 17134) authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia or the successors of said commission to acquire, purchase, construct, improve, maintain,

and operate bridges across the streams and rivers within said State and/or across boundary-line streams or rivers of said State; to the Committee on Interstate and Foreign Commerce.

By Mr. BRITTEN: A bill (H. R. 17135) to amend section 24 of the act approved February 28, 1925, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, as amended by the act of March 2, 1929; to the Committee on Naval Affairs.

By Mr. CANNON: A bill (H. R. 17136) granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a highway bridge across the Missouri River at or near Weldon Springs, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. EATON of Colorado: A bill (H. R. 17137) to provide for the commemoration of the Battle of Apache Canyon, N. Mex.; to the Committee on Military Affairs.

Also, a bill (H. R. 17138) to provide for the commemoration of the Battle of Glorieta, N. Mex.; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 17139) to authorize the Secretary of the Interior to construct a bridge across Lost River on the Tule Lake division of the Klamath project, Oregon-California; to the Committee on Irrigation and Reclamation.

By Mr. GOSS. A bill (H. R. 17140) to regulate the use and sale of wood alcohol; to the Committee on the Judiciary.

By Mr. HOUSTON of Delaware: A bill (H. R. 17141) authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors, and assigns; George A. Casey, of Wilmington, Del., Clifford R. Powell, of Mount Holly, N. J., their heirs, executors, administrators or assigns, to construct, maintain, and operate a vehicular tunnel or tunnels under the Delaware River between New Castle County, Del., and Salem County, N. J.; to the Committee on Interstate and Foreign Commerce.

By Mr. JAMES of Michigan. A bill (H. R. 17142) to authorize the erection of a moving-picture theater at Fort Snelling, Minn.; to the Committee on Military Affairs.

By Mr. McKEOWN: A bill (H. R. 17143) authorizing the District Court of the United States for the Eastern District of Oklahoma to hear and determine certain claims of the Seminole Nation or Tribe of Indians; to the Committee on Indian Affairs.

By Mr. SHORT of Missouri: A bill (H. R. 17144) to legalize a bridge across the Eleven Points River at or near Thomasville, Oregon County, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17145) to legalize a bridge across the White River, approximately 11 miles south of Reed Springs, Stone County, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17146) to legalize a bridge across the James River at Galena, Stone County, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17147) to legalize a bridge across the St. Francis River, 4 miles west of Kennett, Mo., joining Dunklin County, Mo., and Clay County, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17148) to legalize a bridge across the White River at Forsyth, Taney County, Mo.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17149) granting the consent of Congress to the Missouri State Highway Commission to construct, maintain, and operate a highway bridge across the White River at Branson, Taney County, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. SUMMERS of Washington: A bill (H. R. 17150) authorizing appropriations for purchase of additional water supply for Yakima Indian Reservation, Wash.; to the Committee on Indian Affairs.

By Mr. WILLIAMSON: A bill (H. R. 17151) to authorize per capita payments to the Indians of the Cheyenne River Reservation, S. Dak.; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 17152) to expedite the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. McSWAIN: A bill (H. R. 17153) concerning change of location of United States Military Academy; to the Committee on Military Affairs.

By Mr. CABLE: Resolution (H. Res. 361) for the consideration of H. R. 16975, a bill to amend the act of September 22, 1922, as amended, granting independent citizenship to women, and for other purposes; to the Committee on Rules.

By Mr. EVANS of Montana: Joint resolution (H. J. Res. 508) proposing an amendment to the Constitution of the United States, providing for a referendum on the eighteenth amendment thereof; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States to make an emergency appropriation of \$5,000,000 as a loan to the reclamation fund; to the Committee on Irrigation and Reclamation.

Memorial of the Legislature of the State of California, memorializing Congress to enact laws imposing a tariff upon all oil brought into the United States from foreign countries; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Montana, memorializing the Congress of the United States to enact a tariff on oil and its refined products, and to provide further relief for the oil industry; to the Committee on Ways and Means.

Memorial of the State Legislature of the State of Montana, memorializing the Congress of the United States to enact stringent and immediate legislation prohibiting immigration to the United States for a period of five years; to the Committee on Immigration and Naturalization.

By Mr. SANDERS of Texas: Memorial in the nature of a resolution of the Legislature of California, memorializing Congress to enact legislation which will place a tariff upon oil; to the Committee on Ways and Means.

By Mr. EVANS of Montana: Senate Joint Memorial No. 1 of the Montana State Legislature, urging Congress to enact stringent and immediate legislation prohibiting immigration to the United States for a period of five years, and preventing discrimination in favor of aliens, thereby protecting the welfare and interests of the people of this country; to the Committee on Immigration and Naturalization.

Also, memorial of Senate Joint Memorial No. 3, urging Congress to enact a tariff on oil and its refined products, and to provide further relief for the oil industry; to the Committee on Ways and Means.

By Mr. LEAVITT: Senate Joint Memorial No. 1, adopted by the Twenty-second Legislative Assembly of the State of Montana, memorializing Congress to enact a tariff on crude oil and its refined products and other legislation for the benefit of the oil industry; to the Committee on Ways and Means.

Also, Senate Joint Memorial No. 1, adopted by the Twenty-second Legislative Assembly of the State of Montana, memorializing Congress to enact legislation prohibiting immigration for a period of five years; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17154) granting an increase of pension to Harriett L. Hilton; to the Committee on Invalid Pensions.

By Mr. BECK: A bill (H. R. 17155) to correct the status of George Chalmers Hunter; to the Committee on Naval Affairs.

By Mr. CABLE: A bill (H. R. 17156) granting an increase of pension to Mary J. Mullenix; to the Committee on Invalid Pensions.

By Mr. CELLER: A bill (H. R. 17157) for the relief of Ida Becker; to the Committee on Military Affairs.

By Mr. ERK: A bill (H. R. 17158) for the relief of O. Evans Mikesell; to the Committee on Claims.

By Mr. HALSEY: A bill (H. R. 17159) granting a pension to Mary Jane Delozier; to the Committee on Invalid Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 17160) granting an increase of pension to Duracy E. Ash; to the Committee on Invalid Pensions.

By Mr. LAMBERTSON: A bill (H. R. 17161) granting an increase of pension to Nancy J. Gregory; to the Committee on Invalid Pensions.

By Mr. SHOTT of West Virginia: A bill (H. R. 17162) granting a pension to John D. Pearson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9885. By Mr. BACON: Petition of sundry citizens of Long Island, urging the enactment of House Joint Resolution 356, providing for constitutional amendment to eliminate count of aliens for apportionment purposes; to the Committee on the Judiciary.

9886. Also, petition of the Catholic Club of the city of New York, and of the International Federation of Catholic Alumnae, opposing the enactment of Senate bill 4582; to the Committee on the Judiciary.

9887. By Mr. BROWNE: Petition of Green Valley Dairy Co., Boyd, Wis., opposing the ruling permitting oleomargarine manufacturers to color oleomargarine with unbleached palm oil without the payment of the 10-cent tax; to the Committee on Agriculture.

9888. By Mr. CAMPBELL of Iowa: Petition of the Woman's Christian Temperance Union of Merrill, Iowa, urging Congress to enact a law for the Federal supervision of motion pictures establishing higher moral standards before production for films that are to be licensed for interstate and international commerce; to the Committee on Interstate and Foreign Commerce.

9889. By Mr. CHRISTGAU: Resolution adopted by the Fremont Creamery Association, at Utica, Minn., protesting against the ruling of the Commissioner of Internal Revenue with respect to the use of palm oil in the manufacture of oleomargarine, and in support of the Brigham bill, H. R. 15934, providing for a tax of 10 cents per pound on all yellow-colored oleomargarine; to the Committee on Agriculture.

9890. Also, resolution adopted by the Wilmington Cooperative Creamery, at Caledonia, Minn., protesting against the ruling of the Commissioner of Internal Revenue with respect to the use of palm oil in the manufacture of oleomargarine, and in support of the Brigham bill (H. R. 15934), providing for a tax of 10 cents per pound on all yellow-colored oleomargarine; to the Committee on Agriculture.

9891. Also, resolutions adopted by the Meighen-Thompson Post, No. 161, the American Legion, at Le Roy, Minn., in favor of the payment of the adjusted-compensation certificates, and for an extended program of hospital construction; to the Committee on Ways and Means.

9892. Also, resolution adopted by the Randall Cooperative Creamery Association, protesting against the ruling of the Commissioner of Internal Revenue with respect to the use of palm oil in the manufacture of oleomargarine and in support of the Brigham bill (H. R. 15934), providing for a tax of 10 cents per pound on all yellow-colored oleomargarine; to the Committee on Agriculture.

9893. By Mr. CLARKE of New York: Petition of 12 citizens of Copperstown, N. Y., urging Congress to support the Sparks-Capper amendment providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the

population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

9894. Also, petition of 22 citizens of Cooperstown, N. Y., urging Congress to support the Sparks-Capper amendment providing for an amendment to the United States Constitution excluding the approximately 7,500,000 unnaturalized aliens from the count of the population of the Nation for apportionment of congressional districts among the States; to the Committee on the Judiciary.

9895. By Mr. CONDON: Petition of Olivier Benoit and several other World War veterans from Rhode Island and Massachusetts, urging legislation looking toward the immediate cash payment of the adjusted-service certificates at their full face value; to the Committee on Ways and Means.

9896. By Mr. DAVENPORT: Petition of J. C. Thomas and others, of Utica, N. Y., for immediate cash payment of adjusted-compensation certificates to World War veterans; to the Committee on Ways and Means.

9897. Also, petition of the Herkimer Woman's Home Missionary Society, Herkimer, N. Y., favoring the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9898. Also, petition of Herkimer New York Woman's Christian Temperance Union, favoring the Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9899. By Mr. EATON of Colorado: Resolutions of Women's League of Central Presbyterian Church, Denver, Colo.; Community Woman's Christian Temperance Union, Denver, Colo.; Church of God Council, Lamar, Colo.; Women's Foreign Missionary Society of the Grant Avenue Methodist Episcopal Church, Denver, Colo. (representing 102 members); educational committee meeting of the South Broadway Christian Bible School, Denver, Colo.; Hawley Woman's Christian Temperance Union, Denver, Colo.; Women's Home Missionary Society of the Grant Avenue Methodist Episcopal Church, Denver, Colo.; Fort Lewis School, Fort Lewis, Hesperus, Colo.; Hugo Woman's Christian Temperance Union, Hugo, Colo., urging the enactment of a law for Federal supervision of motion pictures, as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9900. By Mr. ENGLEBRIGHT: Petition of Industrial Association of San Francisco, Calif., proposing a modification of the antitrust laws of the United States; to the Committee on Interstate and Foreign Commerce.

9901. Also, petition of Colorado Mining Association, through its secretary, C. Lorimer Colburn, favoring a tariff of 30 cents per ounce on silver, etc.; to the Committee on Ways and Means.

9902. By Mr. GLOVER: Petition of Missionary Society of Malvern, Ark.; to the Committee on the Judiciary.

9903. By Mr. GREEN: Petition of veterans of Madison County, Fla., urging payment of bonus certificates; to the Committee on Ways and Means.

9904. By Mr. JOHNSON of Texas: Petition of Mrs. Harris Masterson, president Texas League of Women Voters, of Houston, Tex., indorsing Senate bill 255; to the Committee on Interstate and Foreign Commerce.

9905. By Mr. KVALE: Petition of Katie McArthur and 21 other citizens of Hancock, Minn., urging passage of the Sparks-Capper amendment; to the Committee on the Judiciary.

9906. Also, petition of Mrs. J. W. Pike, Marshall, Minn., representing 56 members of the Marshall Union of the Woman's Christian Temperance Union, earnestly urging enactment of the Sparks-Capper amendment to the United States Constitution; to the Committee on the Judiciary.

9907. By Mr. MAGRADY: Petition numerously signed by members of the Susannah Wesley Bible Class, Methodist Episcopal Sunday School, Bloomsburg, Pa., favoring the Sparks-Capper amendment, H. J. Res. 356; to the Committee on the Judiciary.

9908. By Mr. KVALE: Petition of Willmar League of Women Voters, Willmar, Minn., submitted by Mrs. E. O.

Lokensgard, chairman, urging enactment of the maternity bill; to the Committee on Interstate and Foreign Commerce.

9909. By Mr. MAGRADY: Petition of citizens of Sullivan County, Pa., urging support of House Joint Resolution No. 356, known as the Sparks-Capper amendment; to the Committee on the Judiciary.

9910. Also, petition of Woman's Christian Temperance Union, of Millville, Pa., urging support of House Joint Resolution No. 356, known as the Sparks-Capper amendment; to the Committee on the Judiciary.

9911. Also, petition of citizens of Catawissa, Pa., urging support of House Joint Resolution No. 356, known as the Sparks-Capper amendment; to the Committee on the Judiciary.

9912. By Mr. PERKINS: Petition of Woman's Christian Temperance Union, Rutherford, N. J., requesting favorable action on House Joint Resolution No. 20; to the Committee on the Judiciary.

9913. By Mr. ROBINSON: Petition of Rev. George C. Nothdurft and 41 other citizens of Colesburg, Iowa, urging the support of the proposed Sparks-Capper stop alien representation amendment, H. J. Res. 356; to the Committee on the Judiciary.

9914. Also, petition of Rev. and Mrs. W. N. Roush, route No. 8, Waterloo, Black Hawk County, Iowa, urging the support of the proposed Sparks-Capper stop alien representation amendment, H. J. Res. 356; to the Committee on the Judiciary.

9915. Also, petition adopted by the Woman's Foreign Missionary Society, of Iowa Falls, Iowa, and signed by Mrs. Charles Reynolds, president, and Mrs. G. O. Bailey, secretary, urging the passage of the Grant Hudson motion picture bill, H. R. 9986, for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

9916. Also, petition of A. W. Claussen, 1274 Curtis Street, and 38 other citizens of Dubuque, Dubuque County, Iowa, urging the immediate payment at full face value of the adjusted-compensation certificates as created by section 702 of the World War compensation act of 1924; to the Committee on Ways and Means.

9917. Also, petition of George Cushing, rural free delivery No. 1, and 36 other citizens of Dubuque, Iowa, urging the immediate cash payment at full face value of the adjusted-compensation certificates as created by section 702 of the World War adjusted compensation act of 1924; to the Committee on Ways and Means.

9918. Also, petition of Earl Wickham and 37 other citizens of Iowa Falls, Hardin County, Iowa, urging the cash payment at full face value of adjusted-compensation certificates as created by section 702 of the World War adjusted compensation act of 1924; to the Committee on Ways and Means.

9919. Also, petition of Roy E. Hobbs and 36 other citizens of Plainfield, Iowa, urging the immediate cash payment at full face value of the adjusted-compensation certificates as created by section 702 of the World War adjusted compensation act of 1924; to the Committee on Ways and Means.

9920. By Mr. ROMJUE: Memorial of L. T. Montgomery, E. F. Bertram, J. M. Davidson, and other residents of Memphis, Mo., urging support of House joint resolution No. 356; to the Committee on the Judiciary.

9921. By Mr. SINCLAIR: Petition of Rev. Benjamin Bousfield and 11 others of Donnybrook, N. Dak., and vicinity, urging the passage of House joint resolution 356 to exclude aliens from the count of population for apportionment of congressional districts; to the Committee on the Judiciary.

9922. By Mr. SELVIG: Petition of Olga Cooperative Creamery Association, route 1, Gully, Minn., urging enactment of Brigham bill, H. R. 15934, to afford needed protection to the dairy industry; to the Committee on Agriculture.

9923. Also, petition of Cooperative Creamery Association, Randall, Minn., urging enactment of Brigham bill, H. R. 15934, and also urging use of butter for institutions of the Army and United States Veterans' Bureau; to the Committee on Agriculture.

9924. Also, petition of St. Hilaire (Minn.) Cooperative Creamery Association, protesting against ruling of Commissioner Burnet on palm oil for use in oleomargarine and strongly supporting the Brigham bill, H. R. 15934; to the Committee on Agriculture.

9925. Also, petition of Clearbrook (Minn.) Cooperative Creamery, opposing Burnet ruling on palm oil used in manufacture of oleomargarine, and favoring the passage of the Brigham bill, H. R. 15934, to tax yellow oleomargarine 10 cents a pound; to the Committee on Agriculture.

9926. Also, petition of Wilmington Cooperative Creamery, Caledonia, Minn., urging enactment of Brigham palm oil bill, H. R. 15934; to the Committee on Agriculture.

9927. By Mr. SPARKS: Petition of Woman's Home Missionary Society, of Stockton, Kans., favoring the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9928. Also, petition of the Congregational Women's Missionary Society of Osborne, Kans., favoring the Federal supervision of motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9929. Also, petition of Spring Creek Woman's Christian Temperance Union, of Phillipsburg, Kans., favoring the Federal supervision of the motion pictures as provided in the Grant Hudson motion picture bill, H. R. 9986; to the Committee on Interstate and Foreign Commerce.

9930. By Mr. SINCLAIR: Petition of 38 citizens of Crosby, 38 citizens of Noonan, and 38 citizens of Williston, N. Dak., favoring immediate cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

9931. By Mr. STONE: Petition of Junior Order United American Mechanics, Lincoln Lee Council, No. 2, urging Representatives in the Congress to support any and all measures looking to the closing of the doors to immigration for at least two years; to the Committee on Immigration and Naturalization.

SENATE

WEDNESDAY, FEBRUARY 18, 1931

(Legislative day of Tuesday, February 17, 1931)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. BINGHAM obtained the floor.

Mr. FESS. Mr. President, will the Senator yield to enable me to suggest the absence of a quorum?

The VICE PRESIDENT. Does the Senator from Connecticut yield for that purpose?

Mr. BINGHAM. I yield.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	George	La Follette	Shipstead
Barkley	Gillett	McGill	Shortridge
Bingham	Glass	McKellar	Smith
Black	Glenn	McNary	Smoot
Blaine	Goff	Metcalf	Steiwer
Borah	Goldsborough	Morrison	Stephens
Bratton	Gould	Morrow	Swanson
Brock	Hale	Moses	Thomas, Idaho
Brookhart	Harris	Norbeck	Thomas, Okla.
Broussard	Harrison	Norris	Townsend
Bulkley	Hastings	Nye	Trammell
Capper	Hatfield	Oddie	Tydings
Caraway	Hawes	Partridge	Vandenberg
Carey	Hayden	Patterson	Wagner
Couzens	Hebert	Phipps	Walcott
Cutting	Heflin	Pine	Walsh, Mass.
Dale	Howell	Pittman	Walsh, Mont.
Davis	Johnson	Ransdell	Waterman
Dill	Jones	Reed	Watson
Fess	Kean	Robinson, Ark.	Wheeler
Fletcher	Kendrick	Robinson, Ind.	Williamson
Frazier	King	Sheppard	

Mr. GLENN. I desire to announce that my colleague the senior Senator from Illinois [Mr. DENEEN] was absent from the Senate yesterday on account of illness and that he is detained at home on that account to-day.

Mr. SHEPPARD. My colleague the junior Senator from Texas [Mr. CONNALLY] is detained on account of illness. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

SPECIAL ROADWAY AND CURB ASSESSMENTS

Mr. BINGHAM. Mr. President, I am in the unfortunate position of having to explain that I got a bill passed last night by a statement which I made which was not correct. I had been misinformed at the time. I desire to give anyone who wishes to object to the bill an opportunity to ask unanimous consent for a reconsideration of the vote by which the bill was passed and that it may go back to the calendar.

The bill is known as the Borland bill in the District of Columbia. I stated when the matter first came up that I had been informed by the commissioners, at whose request I was acting, that the measure had passed the House and had been reported unanimously by the District of Columbia Committee of the Senate.

Mr. ROBINSON of Arkansas. Mr. President, there is so much confusion in the Chamber we could not hear the Senator's statement. To what bill is the Senator referring?

Mr. BINGHAM. If the Senator will turn to page 5206 of the RECORD he will find the bill there set forth. It is the bill (H. R. 14049) to provide for special assessments for the paving of roadways and the laying of curbs and gutters.

I was requested by the corporation counsel and the Commissioners of the District of Columbia yesterday to endeavor to get it passed in order to clear up a situation which has made it impossible to use the money which has been appropriated for the purpose of paving and for the laying of curbs and gutters. I was told by them, and I stated to the Senate when the debate first began, that the bill had passed the House and had been reported out of the Senate Committee on the District of Columbia by a unanimous vote and was on the calendar.

I endeavored to get the provision attached to the District of Columbia appropriation bill, but stated that a point of order might lie against it. The point of order was made, and I then desisted. I then looked on the calendar to find the bill as reported by the Senate Committee on the District of Columbia with regard to the matter in order to find out whether there was a chance to get it passed on the call of the calendar and I could not find it on the calendar.

I went to the desk, where the clerks were very busy endeavoring to get through the calendar, as we did last night, and asked where that particular Senate bill was. They informed me that the bill had been passed a few days ago, and that was why it was not on the calendar. The mistake on their part was a natural one in the confusion. They did not recollect what had happened. I then took their word for it that it had been passed and so stated to the Senate.

The Senator from Wisconsin [Mr. BLAINE] very kindly called my attention to the fact that the House bill was on the calendar. Thereupon I got the floor and asked that the House bill be passed, and I stated to several Senators that in view of the fact that a similar bill had already passed the Senate there was no reason to object to it, and they did not object, and it did pass the Senate. After the Senate had taken a recess last evening I was informed by one of the Official Reporters that I was mistaken in my statement that the bill had passed the Senate and that it had been displaced by the House bill. Therefore I was guilty of misleading the Senate in informing it that the bill had passed the Senate.

Mr. ROBINSON of Arkansas. Mr. President—

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Arkansas?

Mr. BINGHAM. Certainly.

Mr. ROBINSON of Arkansas. Had either bill, the Senate bill or the House bill, been reported out by the Senate Committee on the District of Columbia?

Mr. BINGHAM. The Senate Committee on the District of Columbia had unanimously recommended the passage of the bill, and the Senate bill which had been unanimously